BIOGRAPHY
OF AN INDIAN PATRIOT
MAHARAJA
KSHMISHWAR SINGH
OF DARBHANGA

JATA SHANKAR JHA

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By

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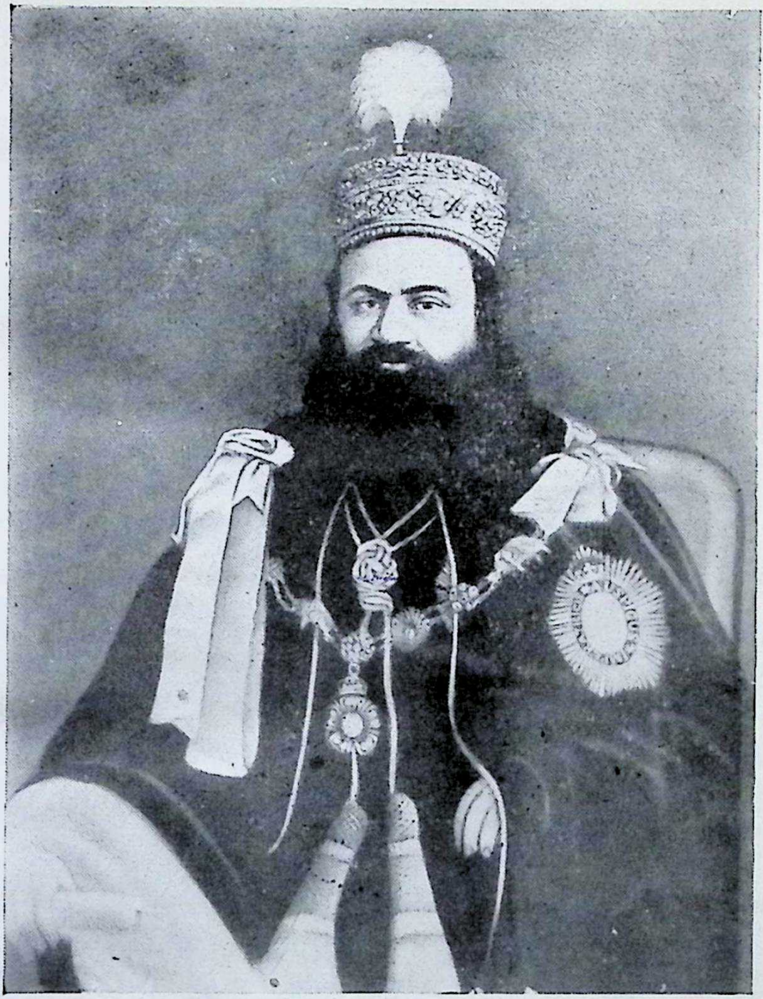


Maharaja Lakshmishwar Singh
(1858-1898)

FOREWORD

The nineteenth century is a marvellously creative period in the history of our country characterised by new hopes and aspirations, new urges for political freedom and persistent efforts for progress of education, a brilliant cultural renaissance and varied measures of social reforms, under the leadership of many eminent and noble personalities. Biographies, autobiographies, memoirs and correspondence and other private papers of those who were intimately associated with public life or socio-religious movements are of much value for getting a comprehensive knowledge of the history of modern India in manifold aspects.

In this volume Dr. Jata Shankar Jha, who is a conscientious and zealous researcher devoted to higher historical studies for many years, has presented a detailed biography of Maharaja Lakshmishwar Singh Bahadur of Darbhanga who flourished during the second half of the nineteenth century, and played a prominent role in the general public life of our country during this momentous period in various ways. One of the most leading members of the territorial aristocracy of our country in those days, Maharaja Lakshmishwar Singh was not a conservative or reactionary but entertained lofty ideas about intellectual and social affairs, Dr. Jha has been able to establish that he was a patron of the Indian National Congress during its early days even in crucial years and helped it financially and in other ways. He has also characterised him as an enlightened zamindar who cherished and encouraged the higher values of life and did much for their conservation.

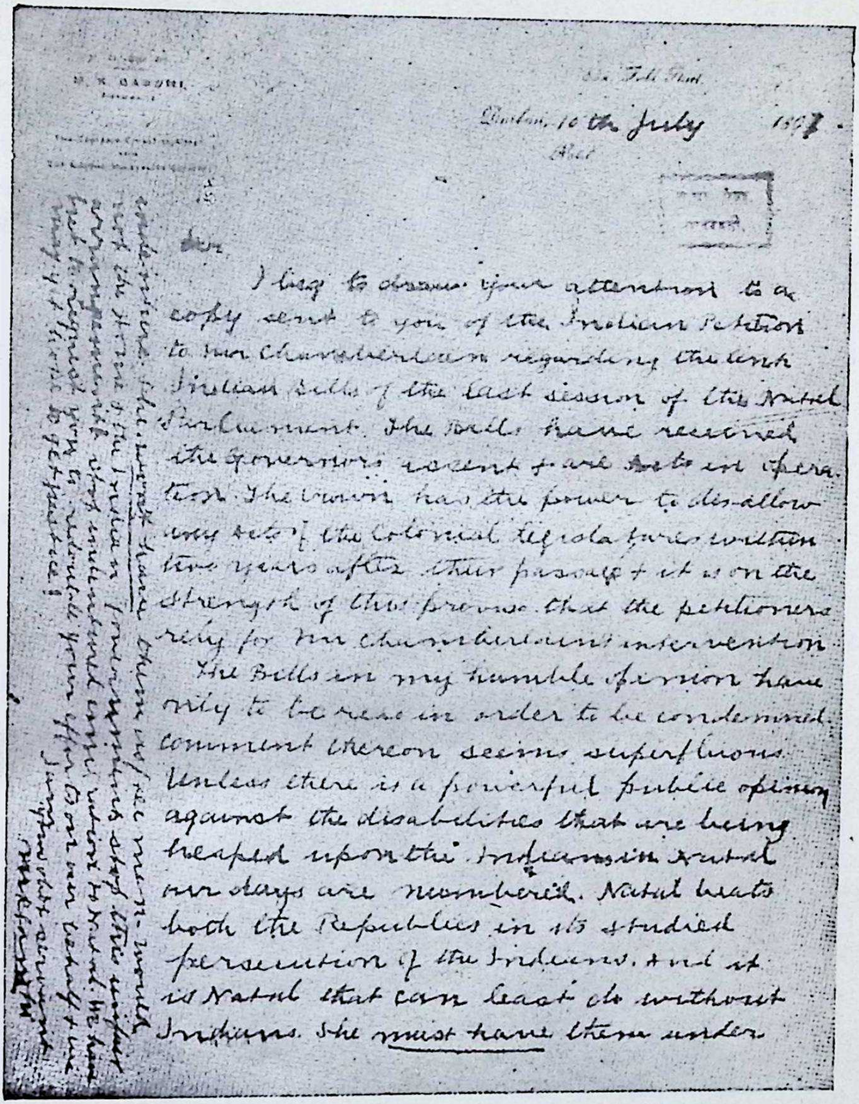
He remarkably encouraged the growth of education, classical as well as modern.

Dr. Jha's volume is based on a careful and critical study of original documents. He has laboured hard to collect materials for this work form various sources, not only from important Libraries like the National Library and the Darbhanga Raj Library, which is a rich repository of valuable and rare books, journals, periodicals, and parliamentary papers, but also from private collections of considerable importance hitherto unknown to others, including many letters of the Maharaja himself and the unpublished autobiography of Mahamahopadhyaya Dr. Ganganath Jha, one of the most illustrious scholars of renascent India who had very intimate connection with the Darbhanga Raj. Herein lies, as I feel, the chief excellence of the book

Dr. Jha has produced an excellent biography of a great man which would be read with interest and profit by scholars of today and tomorrow. I congratulate him for this and urge him to continue his efforts for further discovery of private records of historical importance from secluded corners to help much needed reconstruction of history of modern India in all aspects, political, administrative, economic and socio-cultural.

29-5-72

K. K. Datta



M. K. GANDHI,

Durban, 10th July 1897.

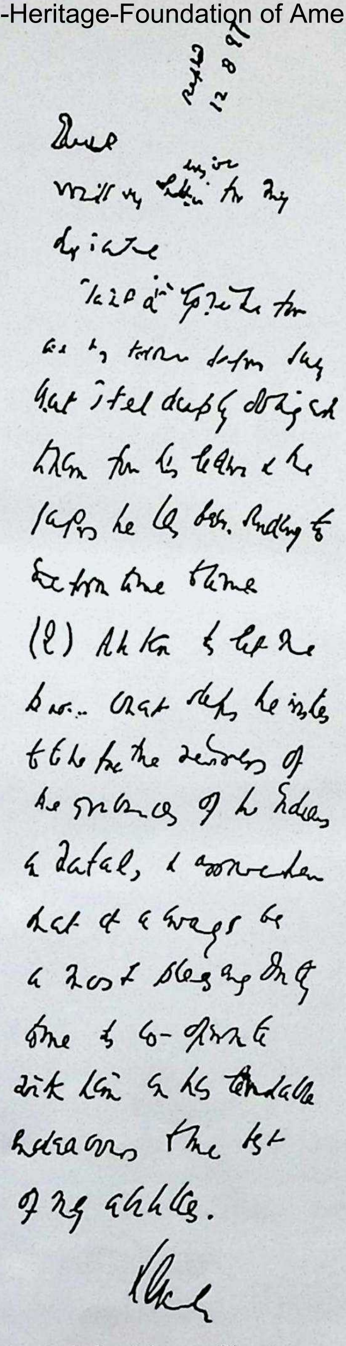
Sir,

I beg to draw your attention to a copy sent to you of the Indian Petition to Mr. Chamberlain regarding the anti-Indian Bills of the last session of the Natal Parliament. The Bills have received the Governor's assent & are Acts in operation. The Crown has the power to disallow any Acts of the Colonial Legislatures within two years after their passage & it is on the strength of this provision that the petitioners rely for Mr. Chamberlain's intervention.

The Bills in my humble opinion have only to be read in order to be condemned. Comment thereon seems superfluous. Unless there is a powerful public opinion against the disabilities that are being heaped upon the Indians in Natal our days are numbered. Natal beats both the Republics in its studied persecution of the Indians. And it is Natal that can least do without Indians. She *must have* them under indenture. She *won't have* them as free men. Would not the Home & the Indian Governments stop this unfair arrangement & stop indentured emigration to Natal. We have but to request you to redouble your efforts on our behalf & we may yet hope to get justice!

I am
Your obedient servant
M. K. Gandhi

Mahatma Gandhi's letter to Maharaja Lakshmishwar Singh from Natal (pp. 82-83)



Maharaja Lakshmishwar Singh's reply to
Mahatma Gandhi (p. 83)

INTRODUCTION

The publication of the present biography of Maharaja Lakshmishwar Singh is in fulfilment of one of the main objectives for which the Maharaja Lakshmishwar Singh Smarak Samiti had been established in Patna in 1968. The life and work of Maharaja Lakshmishwar Singh has cast a peculiar spell on popular mind of this region over a century now. In his own life time the Maharaja had attained such a height in the public life of India that efforts were made to write his biography. Even he himself thought of writing an autobiography, in which he proposed to write more about the time in which he lived and the people he came in contact with, than about himself. But it remained only a wish. *Mauj-i-Sultani*, by Prince Zubairuddin Guragan, a grandson of the last Mughal Emperor Bahadur Shah Jafar, was perhaps the only work written in his lifetime. Since it was published in September 1884 we get an account of the few early years of the Maharaja, and that too in an eulogical style. But it contains some rare sketches of the Maharaja, his palace, his courts etc. In 1895 came out a Congress publication from Bombay entitled *Inaugural Addresses by the Presidents of the Indian National Congress* which was dedicated to the Maharaja for his, "*noble public spirit and patriotic devotion to the cause of the Indian National Congress.*" After his death the *Amrita Bazar Patrika* in its obituary notice announced its intention to bring out a biography of the Maharaja. Shortly after in 1899 came out a book entitled *Indian Congressmen* by Parmeshwaran Pillay, Editor of of the *Madras Standard*. In his account of W. C. Bonnerjee, he incidentally refers to the Maharaja without naming him. He writes : "*It was he* (*Bonnerjee*) *that captured brains and money for it* (Congress). *He captured brains when he captured Bradlaugh. He captured money when he captured Durbhanga. He has had no small part in nursing the Congerss baby*" (p. 7). In 1902 C. E. Buckland's *Bengal under the Lieutenant Governors* was published. The author has given a very brief account, covering hardly two pages, of the life of Maharaja Lakshmishwar Singh. He has, however, significantly observed : "*Besides the political questions of the day in which he took a marked interest, either on his own* *initiative or at the request of his countrymen, he was constantly concerned with matters affecting the welfare of the people and the citizens of Calcutta, who cordially supported him as their Chairman and spokesman on important occasions*" (p. 1070). In 1913 Ganesh Prasad, a Deputy Inspector of Schools, brought out a book entitled *Bharat Ratna* containing brief life-sketches of some great Indians. He has highlighted some noble traits of Maharaja Lakshmishwar Singh's character—his philanthrophy, his loyalty to the Government, his patriotism etc. In 1946 came out the book entitled *Some Eminent Bihar Contemporaries* by Dr. Sachchidanand Sinha, who for the first time made a powerful plea for establishing a suitable memorial of the Maharaja in Bihar. He truly observed : "*But the marble statue, in sitting posture, put up a few years later at a corner of the Dalhousie square, in Calcutta, is a poor and unworthy memorial of this great patriot, and I have never ceased regretting that his native province of Bihar does not possess any memorial, worth the name, to commemorate the great and good work done by this distinguished Biharee, in various spheres of public activities, as a statesman, philanthropist, legislator, and public leader*'' (p. 39).

In October 1958 I discovered some original letters of A. O. Hume to Maharaja Lakshmishwar Singh in Darbhanga Raj Archives and drew the attention of the authorities towards the importance of these records, which were subsequently published in the Report of the Bihar Regional Records Survey Committee of the year 1960-61.

In 1961, participating in the Independence Day Celebration under the auspices of the Mithila Sanskrit Parishad, Calcutta, the great Hindi literateur (and also a recipient of Sahitya Akademi prize for his Maithili book *Patrahin Nagna Gachh*) Shri Baidyanath Mishra 'Yatri' dwelt on the advisability of celebrating birth anniversaries of Chanda Jha, M.M. Murlidhar Jha, Lal Das, and others. Regarding Maharaja Lakshmishwar Singh he said : "*We must also celebrate the birth anniversary of the soul of Mithila, the nationalist leader the late Maharaja Lakshmishwar Singh on national level, for he was the first nationalist who showed fearlessness of character by making available the venue of Congress Session at Allahabad in the teeth of official opposition*". Yatriji regretted the neglected state of the Maharaja's marble statue in the local Dalhousie Square and advised the Parishad to take up the question with the Calcutta Corporation and also to contact the Maharaja of Darbhanga for its renovation. He promised to write a biography of Maharaja Lakshmishwar Singh for publication by the Parishad (Mithila Mihir, 27 August 1961).

Meanwhile a few publications viz. *The Development of the Indian National Congress* (1892-1909) by P. C. Ghose, *Problems and Policies of the British in India* (1885-1898) by Hiralal Singh, *Select Documents on India and Pakistan* edited by C. H. Philips, *Congress and Congressmen in the Pre-Gandhian Era* by B. B. Majumdar, etc. brought out some new information about Maharaja Lakshmishwar Singh. The most remarkable contribution in this regard, which attracted public notice, was an article published in the *Indian Nation* in 1967, entitled '*Lakshmeshwar Singh: A Political Study*' by my esteemed friend, the late Dr. A. P. Jha of the Bihar State Archives. But the complete omission of the public life of the Maharaja and some other distinguished Biharees, like Harbans Sahay, Bisheshwar Singh, Saligram Singh, Sarfuddin and others in some of the publications in the same period, directly bearing on the subject, like the *Freedom Movement in Bihar*, *Bihar Through the Ages, The Creation of Modern Bihar* etc., is no doubt keenly felt.

The question naturally arises as to why the services of Maharaja Lakshmishwar Singh to the country have hitherto not received due recognition in the history of our country. Some of the contemporary political leaders and his associates, who were in a position to know the political activities of the Maharaja, did not think it advisable to make them public in view of the Government attitude towards the various political movements of the period which is evident from the writing of H. Cotton as to how he extricated the Maharaja from the surveillance of government spies. The Maharaja was above parochialism and regionalism. He could not subscribe to the "subordinate patriotism" of Dr. Sachchidanand Sinha, Mahesh Narain and other Biharee leaders, who had set on foot the movement for separating Bihar from Bengal. These leaders naturally did not appreciate fully the Maharaja's stand. Thus wrote Dr. Sinha : "The late lamented Maharaja Sir Lakshmishwar Singh of Darbhanga, was the one Biharee who then commanded the ears of the public and the Government alike but he was too closely identified with Calcutta and too much concerned with imperial matters to give any time to purely Bihar affairs'. Likewise there has been some misunderstanding on the part of Maithili speaking people regarding Maharaja's patronising the cause of Hindi. They feel aggrieved that the Maharaja sacrificed Maithili for the sake of Hindi. The following is an extract from a letter of a famous Maithili writer when he was invited by the Smarak Samiti to participate in the birthday celebration of the Maharaja on 25 September 1968: "But you will excuse me when I say that all this the Maharaja did at the expense of Mithila and Maithili. In his zeal for national integration the Maharaja introduced Devanagari Script in Mithila which dealt a death-blow to our indigenous Tirhuta Script. We may praise them as an Indian but he failed signally to do the duty of a Mithilesh that he was and in the history of Mithila or Maithili Maharaja Lakshmishwar Singh would be remembered to have missed the chance of successful leadership of Mithila".

But it was not a fact. Really the controversy, as we know, was between Hindi and Urdu. The claims of his mother language, Maithili, were not in dispute. The following Memo of the Maharaja, dated 2 August 1880, to all Sub-managers, on the contrary proves that he actually encouraged the use of Maithili in business transaction of the estate:

"Documents like Sunnuds to Jeth Ryots and Pottahs to the ordinary ryots and Jethryots in the mofussil should in future be written in the Nagri Character instead of the Urdu character. The language should also be Tirhootia or Hindi".

Besides, the Maharaja patronised a number of Maithil scholars including Kavivar Chanda Jha and Harshanath Jha.

Yet another important factor which has been responsible for the non-recogniton of the public services of the Maharaja by historians is the inaccessibility of the Raj Archives to researchers. The government archives could not be of much help in the matter. Since the Maharaja played a significant role in our nationl life the Raj records of the period during which he flourished should be treated as records of national importance and special care should be immediately taken for their permanent preservation.

For the preparation of the present biography, the Darbhanga Raj Archives has naturally been my chief source of information. But I cannot claim to have made an exhaustive study of all the records there. In the Darbhanga Raj Library I came across some rare publications for my purpose. I studied there the letters of Maharaja Lakshmishwar Singh to Vindhyanath Jha also. These are typed copies of the original letters, at one time in the possession of the late Col. Dr. Bhavanath Jha. The typed copies are by no means satisfactory, but the original ones are not traceable now. Similarly I have not been able to see the diaries of Maharaja Lakshmishwar Singh, excepting the few pages that I came across in the Vindhyanath Jha papers. In the Raj Library I came across an unpublished manuscript entitled *Life and Character of Maharaja Lakshmishwar Singh* by Sarat Chandra Ghose, written only a few years after the death of the Maharaja. It is more a *prasasti* (eulogy) than a piece of sober history. We, however, get herein a few anecdotes of the Maharaja's life.

The contemporary newspapers have proved to be another important source of information. The National Library, Calcutta, possesses a fine collection of newspapers and I have utilised them fully. There are however big gaps in the collection, and the state of repair of some relevant papers precludes their handling.

Yet another important source, which has provided me with valuable information about the Maharaja, has been the unpublished autobiography of the great Orientalist the late MM. Dr. Ganganath Jha, who, like his brother Vindhyanath Jha, was very intimately connected with Maharaja Lakshmishwar Singh. I am highly grateful to Prof. Hetukar Jha of the Patna University and the Joint Secretary of the Smarak Samiti, who exercised his good offices with the late Dr. Adityanath Jha in making the book available to me.

Thus these various original and secondary sources have enabled me to collect sufficient materials to write the present biography of Maharaja Lakshmishwar Singh. In the first Chapter a brief account of the family and early training of the Maharaja has been given, which shows that this proprietor of the largest and most important landed estate in Bihar with his liberal education and independent mind was destined to play an important part in public affairs of the country. Naturally the second Chapter has been devoted to his close association with important political organisations all over the country and the powerful influence he exercised over their activities. In the third Chapter an assessment has been made of his 'parliamentary' life—both as a nominated and elected member of the Supreme Legislative Council of India. The fourth Chapter deals with his relation with ryots—which may rightly be characterised as an enlightened one. The fifth Chapter deals with the Maharaja as a man of liberal and progressive views in social sphere also. The concluding Chapter throws light on the salient features of the life and character of the Maharaja as a man and his manifold noble contributions to the various spheres of our National life.

The Maharaja Lakshmishwar Singh Smarak Samiti places on record its high sense of gratitude to the senior Maharani (Shri Rajlakshmiji) of Darbhanga, Kumar Subheshwar Singh and Pt. Lakshmikant Jha for their consistent keen interest and active help in the work of the Samiti and to the authorities of the Newspapers and Publications (P) Limited for liberal donation which has enabled it to bring out the biography. I am profoundly thankful to the ex-Chief Justice of the Patna High Court Shri S. C. Mishra for inaugurating, and to the ex-Chief Secretary of the Government of Bihar Dr. S. V. Sohoni for presiding over the first meeting of the Samiti to celebrate the birth anniversary of the Maharaja on 25 September 1968, which gave great encouragement to the members of the Samiti in fulfilment of the task ahead. I am also highly thankful to Shri Yamuna Prasad Mandal, M. P., and Shri Kailash Singh, M. L. C., for their sincere efforts in issue of a special stamp by the Government of India to commemorate the noble cause for which the Maharaja lived. My thanks are also due to the Hon'ble Speaker of the Bihar Legislative Assembly Pt. Shri Hari Nath Mishra, Shri Radhanandan Jha, State Minister of Bihar, Shri Nagendra Jha, ex-Minister of Bihar, and Shri Jaideva Prasad, M. L. C., who have been taking active interest in the work of the Samiti. No words can adequately express my deep sense of gratitude to my revered *guru* Dr. K. K. Datta for kindly sparing his valuable time to go through the script of the biography and to write the foreword. I am very thankful to Dr. Amarnath Mishra for his kindly lending to us same of the rare photographs of the

Maharaja for their use in the biography. I shall be failing in my duty if I do not record here my sincere thanks to my esteemed friend Shri J. N. Jha who has been an abiding source of encouragement throughout the preparation of the book. To M. A. Raziq, Assistant Record Keeper, I extend my special thanks for his sincere cooperation in collecting materials from the Darbhanga Raj Archives. My thanks also go to the proprietor of the Kalika Press, Shri Brahmadeo Prasad, for his personal interest without which the present biography could not have come out in such a short time.

25. 9. 1972 **Jata Shankar Jha**

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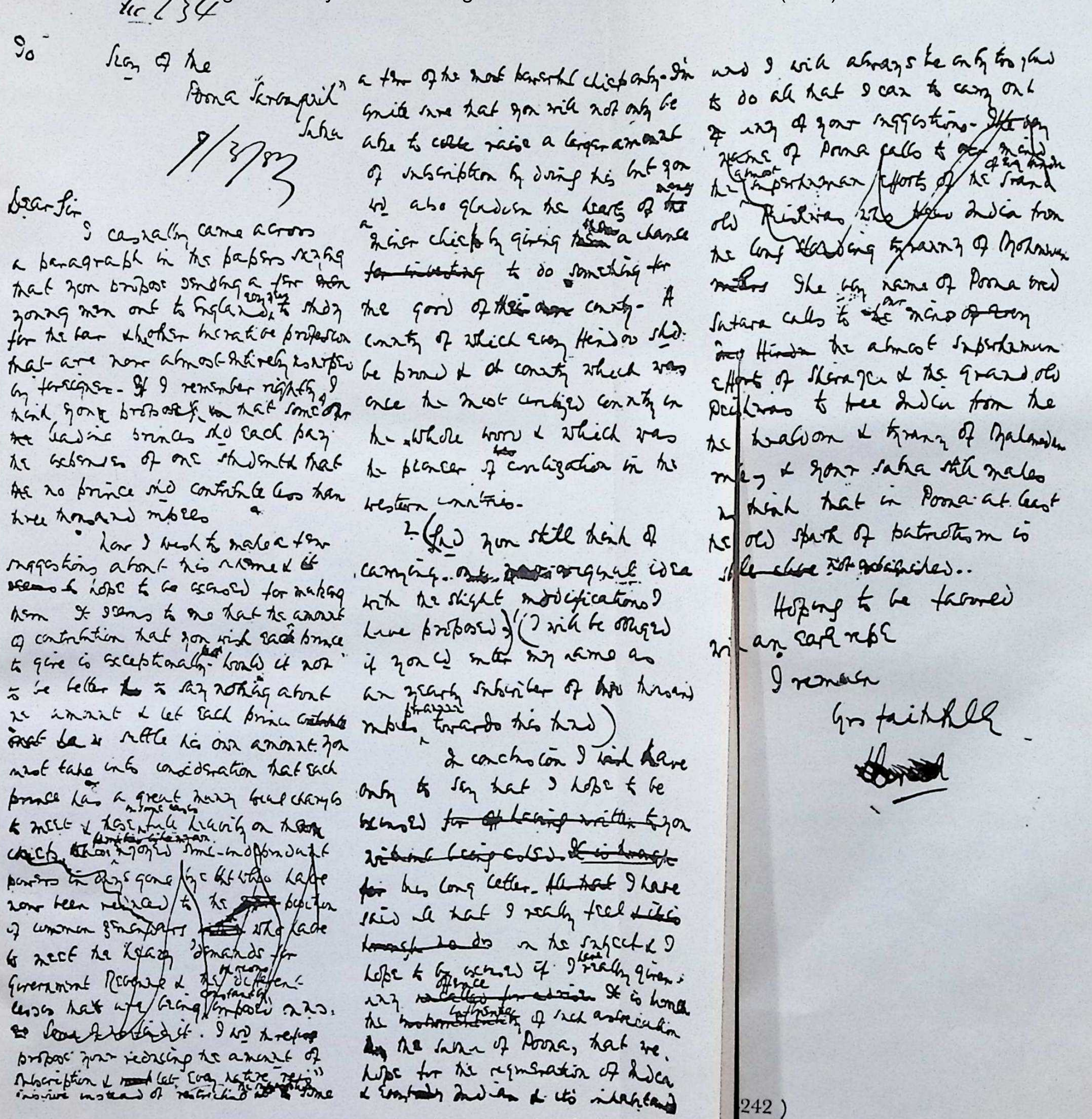


No 234

To
Secy of the
Poona "Sarvajanik" Sabha

9/3/83

Dear Sir

I casually came across a paragraph in the papers saying that you propose sending a few ~~men~~ young men every year out to England, to study for the bar & other lucrative profession that are now almost entirely monopolised by foreigners. If I remember rightly, I think you proposed ~~to~~ that some of ~~the~~ the leading princes should each pay the expenses of one student & that no prince should contribute less than three thousand rupees.

Now I wish to make a few suggestions about this scheme & ~~[illegible]~~ hope to be excused for making them. It seems to me that the amount of contribution that you wish each prince to give is exceptionally ~~high~~ would it not be better ~~to~~ to say nothing about the amount & let each prince ~~[illegible]~~ to settle his own amount. You must take into consideration that each prince has a great many local charges to meet & in many cases heavy burdens lay heavily on those chiefs ~~[illegible]~~ who enjoyed semi-independent powers in days gone by but who have now been reduced to the ~~[illegible]~~ position of common zemindars ~~[illegible]~~ who have to meet the heavy demands for Government Revenue & the various different cesses that are being constantly imposed on them. ~~[illegible]~~ it. I would therefore propose your reducing the amount of subscription & ~~[illegible]~~ let every native "gentleman" ~~[illegible]~~ subscribe instead of restricting ~~it to~~ some a few of the most powerful chiefs only. I am quite sure that you will not only be able to ~~collect~~ raise a larger amount of subscription by doing this but you will also gladden the hearts of ~~the~~ many a minor chief by giving ~~them~~ them a chance ~~[illegible]~~ to do something for the good of their ~~own~~ country. A country of which every Hindoo should be proud & a country which was once the most civilized country in the whole world & which was the pioneer of civilization in the western countries.

2. (Should you still think of carrying ~~out~~ ~~[illegible]~~ original idea with the slight modifications I have proposed) (I will be obliged if you would enter my name as an yearly subscriber of two thousand rupees towards this fund)

In conclusion I ~~wish~~ have only to say that I hope to be excused ~~for [illegible] written to you without being asked. It is [illegible]~~ for this long letter. ~~All that~~ I have said all that I really feel ~~[illegible]~~ on the subject & I hope to be excused if I have really given any offence ~~[illegible]~~. It is through the enthusiastic ~~[illegible]~~ of such association as the Sabha of Poona, that we hope for the regeneration of India & ~~[illegible]~~ of its inhabitants and I will always be only too glad to do all that I can to carry out of any of your suggestions. ~~The very name of Poona calls to our mind the almost superhuman efforts of the Grand old Peshwas who [illegible] India from the long standing tyranny of Mohammedans~~ The very name of Poona and Satara calls to ~~the~~ our mind ~~of every Hindu~~ the almost superhuman efforts of Shivaji & the grand old Peshwas to free India from the ~~the~~ thraldom & tyranny of Mahomedan rule & your Sabha still makes me think that in Poona at least the old spark of patriotism is ~~still alive~~ not extinguished..

Hoping to be favored with an early reply

I remain

Yrs faithfully

Maharaja Lakshmishwar Singh's holograph (pp. 242)

CHAPTER I

FAMILY AND EARLY LIFE

KHANDAVALA RULERS OF MITHILA—EARLY YEARS OF MAHARAJA LAKSHMISHWAR SINGH—COURT OF WARDS ADMINISTRATION—ACCESSION TO THE GADDI.

Maharaja Lakshmishwar Singh belonged to the famous Khandavala dynasty of Mithila. It is said that his ancestors originally belonged to Mithila but in the time of Gosain Shankarshan Upadhyaya, who received the grant of village Khandava (M. P.), some members of the family went to reside there with him. On account of his possession of considerable landed property, the Upadhyaya, like other chiefs of that region, began to be called Thakur. The family of Gosain Shankarshan Upadhyaya thus came to be popularly known as Khandavala Thakur or Khandavala family. Mm. Mahesh Thakur, the founder of the House of Darbhanga, was tenth in line of descent from Shankarshan Thakur. His grand-father, Shripati Thakur, received some favours from the Bharajatiya Rajputs of Mithila and came to settle at Bhawr, in the district of Darbhanga. It is since then that the family came to be known as *Kharawre Bhawr*.

For the kings of Mithila there was the glorious tradition of the Philosopher king Raja Janak. And quite in keeping with this tradition the Khandavala rulers also took more pride in being called learned pandits than wealthy Rajas. They devoted more time to scholarly pursuits than to administrative affairs. Quite a few of them voluntarily relinquished their claims in favour of their younger brothers or sons to the headship of the House and quietly passed their days in piety and learning. Besides their being themselves scholars of repute in their own times they gathered round themselves a galaxy of leading scholars of their times. Needless to mention that scholars were then held in very high esteem in the society.

Another factor which added to the prestige of the Khandavala rulers was the fact that they were Srotriya brahmanas. And in the course of time the rulers of the House of Darbhanga also became the head of Srotiya brahmanas. They were now popularly called the "*Mithilesh.*" No marriage in the Srotriya brahmana family was possible without the sanction of the Maharaja of Darbhanga. Thus both politically and socially the rulers of the House held a peculiar sway over the people of the estate.

By virtue of his great erudition and learning the founder of the Darbhanga House, Mm. Mahesh Thakur, secured the *Sadar Chaudharai* and *Sadar Kanoongoship* of Tirhut from the Mughal emperor Akbar.[1] He was succeeded by his sons, Mm. Gopal Thakur, Mm. Achyuta Thakur and Mm. Subhankar Thakur. But like their father they are known more for their scholarship than for their administrative ability. All of them have a number of Sanskrit works to their credit. Mm. Subhankar Thakur was succeeded by his sons Purushottam Thakur, Narayan Thakur and Sunder Thakur. Sunder Thakur was the first ruler of the House, who by purchase or otherwise brought the entire resources of the family into one hand which not only strengthened his hands in managing the affairs of *Chaudharai* but also paved the way for establishment of a full-fledged estate in the time of his son and successor, Mahinath Thakur. For rendering conspicuous services to the imperial force in its expedition against the Rajas of Palamaow and Morang, he received enormous royal favours from emperor Aurangzeb. He was granted 110 *Paraganas* in the provinces of Bihar and Bengal. Khilats and Mahi Maratib were also conferred upon him. Such honours were usually bestowed upon Rajas, Chiefs and Mansabdars. In Sarkar Tirhut he became *Sadar Zamindar* and Malik and held settlement of 102 *Paraganas*. In respect of Dharampur *Paragana* he was simply a Zamindar and held settlement of one *Paragana* only. During the E. I. Company's Government, at least prior to the permanent settlement, the ruler of the House enjoyed the status of Sadar Zamindar of this *Paragana* also. In Sarkar Purnea (5 paraganas) and Sarkar Tajpur (2 parganas) of Bengal province, Mahinath Thakur was given the status of an ordinary Zamindar.

Mahinath Thakur was succeeded by his brother Narapati Thakur (1690-1701). Narapati Thakur was succeeded by his son Raghava Singh (1701-39). About the year 1720 Alivardi Khan conferred upon him the title of Raja. He was succeeded by his sons Raja Vishnu Singh (1739-1743) and Raja Narendra Singh (1743-1760). Owing to chaotic political condition prevailing in the country during the rule of the later Mughals the House of Darbhanga, like many others, assumed a somewhat semi-independent chieftainship. Raja Narendra Singh had stopped remitting revenues to the Deputy Governor of Patna for some years.

Narendra Singh was succeeded by Raja Pratap Singh (1760-1775). It was in his time that the Britishers came to occupy Bengal and Bihar. But it was in the time of his successor Raja Madhava Singh (1775-1807) that the relationship of .the House became strained with the E. I. Company's Government on the question of permanent settlement of his estate. After years of protracted negotiations and many a painful episode Raja Madhava Singh agreed to the terms of the settlement. "The main reason of misunderstanding between the government and the Raja (Madhava Singh) during these years was the result of the administrative changes. Only two generations before Raja Narendra Singh could defy the authority of the Deputy Governor of Bihar with impunity. The Rajas of Darbhanga had for all practical purposes come to be regarded as the master of the whole Sarkar of Tirhut. They had acquired a number of privileges either on the basis of some imperial *farmans* or by the right of might. Even for some years after the acquisition of the *dewany* of Bengal, Bihar and Orissa by the E. I. Company the Rajas of Darbhanga continued to enjoy most of the privileges. It would have certainly appeared a very unusual thing in the eyes of both the Raja and his people when the allowances of Raja Pratap Singh were for the first time stopped to liquidate the balances of the *Mokarari* settlement. Later on it became a regular feature with the government to stop his *malikana dastur* and other allowances for the realisation of government revenues. The prestige of Raja Madhava Singh suffered a great deal when his authority was not only set at naught but his request also could not prevent an ordinary peon of the Adalat from arresting his managers on most flimsy grounds...........Financially too the Raja suffered much. Most of the perquisites enjoyed since the time of his forefathers were stopped. Even in case of payment it was made after a long vexatious procedure. Rents were levied on lands which the family had hitherto enjoyed as revenue-free, and in the event of refusal they were resumed. Raja Madhava Singh who had seen his predecessors as rulers of the land naturally resented his reduced position (of a Zamindar) under the present regime. The new government was not prepared to recognise his former status and the Raja was not willing to content himself with the role assigned to him, and this explains the estrangement of their relationship".[2]

But in the time of his son and successor, Maharaja Chhatra Singh (1807-1839), the relationship of the House with the government improved very much. Because of his valuable services to the government during the Anglo-Nepalese war (1812) he was conferred upon the title of Maharaja in September 1815. Maharaja Chhatra Singh was succeeded by his son Maharaja Rudra Singh (1839-1850) and Maharaja Maheshwar Singh (1850-1860). It was in the time of Maharaja Maheshwar Singh that the great movement of 1857-58 broke out in the country. His activities on the occasion was viewed by the British government with great suspicion and distrust. He agreed to help the government only when a threat of fine of Rs. 1000/- per day was held out to him. His offer of the services of his sepoys were, however, not accepted. On 20 October 1860 the Maharaja died leaving behind two minor sons and a daughter. The estate was therefore placed under the Court of Wards administration.

Maharaja Lakshmishwar Singh was born on 25 September 1858. From a letter of the Civil Surgeon of Tirhut R. C. Macnam, dated 29 October 1862, to J. Forlong, the Manager of the estate, it is learnt that the young Maharaja was keeping an ill health. He was residing in a very unhealthy surrounding along with his mother. Although he was then upwards four years of age he had never been bathed. He desired the early removal of the Maharaja to a neat and airy house, preferably at Muzaffarpur. The Court of Wards administration directed its most serious attention to the management of the estate and arrange for the best possible education of the two minors. The anxiety of the authorities in this regard is clearly exhibited from the following extract from the letter of the Secretary to the Board of Revenue. He thus communicated the sentiments of the Board to the Government: "no expense should be spared in giving the young Maharaja and his brother the best education possible and the Board proposes at once to take steps for the engagement of a thoroughly competent tutor on a liberal salary. They are happy to learn from private sources, as well as from the official report that the young Maharaja (now eight years old) and his brother are possessed of unusual intelligence and are children of remarkable promise".[8] Till 1865, however, the Wards administration could not make any special arrangement for their education. But efforts were made to extricate the minors from baneful Zenana influences as early as possible. Accordingly separate houses for the minors and their prospective tutor were built at Muzaffarpur, the headquarter of the district, so that the government authorities could keep a close watch on their development. Chester Mac Naghten, a well-known educationist of the Cambridge University, was appointed as the tutor for the minors on a liberal salary in 1866. The minors were brought over to Muzaffarpur. So long as they were at Darbhanga the uncles of the minor Maharaja "cooperated cordially with the officiating manager in all that was undertaken for the well-being of the minors".[4] But now there was an under current of opposition from the orthodox members of the family who in their own way considered it to be unsafe to keep these minors wholly under Christian influences. So a Sanskrit Pandit, a Maulvi and one Prasonna Chunder Mukhopadhyaya were also sent with them to Muzaffarpur. Both the Kumars made rapid progress and in 1870 it was proposed to send them to Varanasi for collegiate education. This caused a great hue and cry in the Raj family circle. The Dowager Rani (mother of the minors) opposed the proposal tooth and nail. She would not like her sons to be so far away from Darbhanga. If college education was at all necessary for her sons, she would not mind any amount being expended over the establishment of a college at Darbhanga itself. But neither the objection to the minors being sent to Varanasi to join the college there, nor the proposal of establishing a college for them at Darbhanga could carry conviction with the authorities. And the minors were sent to Varanasi for the prosecution of their further studies. Their uncle, Maharaja Kumar Guneshwar Singh, was, however, allowed to stay with them along with their tutor. Meanwhile Chester MacNaghten joined Raj Kumar College at Rajkot, as its principal, and an equally competent tutor, Alexander of the Geological Survey Department of the Government of India, was appointed in his place in 1871.

With their new tutor, Alexander, they made Varanasi their headquarter and travelled about a good deal visiting most of the important places in India like Bombay, Kashmir, etc. The General Manager of Raj Darbhanga, Col. J. Burn, was very particular that the visits of the minors to Darbhanga should be restricted as much as possible. Alexander was also of the same view. Commenting on the minor Maharaja's stay at Darbhanga, perhaps in 1875-76, he observed : "The irregular hours they kept and the little real exercise the wards took while in Darbhanga told upon their health and rendered them almost physically unfit for tiring journey to Cashmere........ For the first time that I can recollect, the Maharaja became as near as possible unruly and for a time gave me a good deal of trouble. After we had been at Cashmere some three months, the wards became perfectly manageable again and on their return journey walked their marches cheerfully and willingly".[5] One of the chief objections to their residence at Darbhanga was that "a very considerable portion of their time is devoted to the importunities of the *Purohits* to ceremonies which seem purposely to break up the day and render connected studies almost impossible".[6] During the year their studies had been interrupted owing to extensive tours also. The wards had spent first half of the year at Darbhanga and then visited Kashmir. The Maharaja of Kashmir showed the wards much attention, placing a house at their disposal. The whole of the valley was visited by them. They returned via Muree by the end of August. They also made a short stay at Lahore. In November they went into camp and spent about three weeks in the Northern and North-Eastern part of the estate. In December they visited Calcutta and were the guests of the Lieutenant Governor (Sir Richard Temple). They next attended a reception given at Bankipore in honour of the visit of the Prince of Wales. In March they went to Darbhanga. In his report Col. Burn wrote the following about the accomplishments of the two brothers:

"In Mathematics the Maharaja is deficient and inferior to his younger brother but both are well read, can and do discuss books and the more prominent European subjects of the day with intelligence, have a good knowledge of English and English games, are pleasant and agreeable companions, quite alive to the absurdity of the prejudices of the uneducated portion of their countrymen and keen in replying to good-natured banter on some of the native habits. I have had advantage of having these lads as guests in my own house and seeing them in their every day character. I have had no reason to be dissatisfied with them. The elder now evinces considerable interest in the affairs of estates and has a very shrewd notion of what is beneficial to his interests".[7]

In March 1876 Col. Burn went on leave and Major Money officiated as the General Manager of Darbhanga Raj till November 1877. Col. Burn had left a memorandum for his successor, strongly urging the advisability of the Maharaja not being allowed to reside in Darbhanga till he returned from furlough. But Major Money was of a different view. He considered some of the restraints imposed on the heir of so large an estate not only unnecessary but injurious too. The Maharaja was then in his eighteenth year and was getting only Rs. 50/- per month as pocket-money He raised his pocket-money from Rs. 50/- to Rs. 500/- a month, and finding that he was economically inclined and was careful in his money matters, he placed the Maharaja, of course with the sanction of the Board of Revenue, in charge of all his own and his brother's personal expenditure, i. e. their and their wives feeding, clothing, pay of servants etc. amounting to Rs. 14,563-4-11 a month.

Some unpleasant developments had also taken place with regard to the marriage of the Maharaja. According to the prevailing custom in the family the Maharaja was married at a very young age. But his wife died of fever and his mother was impatient to bring about a second marriage. Col. Burn was opposed to it. He believed that the young Maharaja would appreciate his view point. He even held a conference with the Maharaja. But he too urged the matter on the ground that the young girl might be snapped up by some other family and he would thus lose the chance of marrying for many years. Col. Burn had to yield. He regretted that the family and the ward himself pressed the matter so urgently. Major Money was also unhappy with this marriage but for a different reason altogether. The Maharaja had reached an age when, according to the custom of the family and country, he should live with his wife. But she was a mere child, and it would be years before she could be old enough to live with him. He, therefore, wanted that the Maharaja should be allowed to remarry a girl of suitable age. The Lieutenant Governor, Sir Richard Temple, was opposed to remarriage possibly confusing succession. He also did not like that the Maharaja should live in Darbhanga where he feared the possible enervating effect of Zenana influence.

The progress of events, however, worked out the solution of the difficulties. In due time consent was given to the Maharaja's living at Darbhanga. Accordingly the Maharaja and his brother began to live in *Anand Bag* palace, which was properly furnished. Sanction was also accorded to the Maharaja's remarriage. The marriage of his younger brother Rameshwar Singh had already been sanctioned, but arrangements for it had not been made as he objected to the girls selected for him. Accordingly girls of suitable age having been selected by the family, the Maharaja and his brother were married in March 1877. Temporary Zenana quarters were set up in Anand Bag for them also.

The Maharaja evinced a desire to get initiated into the working of his estate. With the sanction of the Commissioner he was placed in charge of Rahika Circle as its sub-manager. As the young Maharaja gave much of his time to those duties and brought to bear on them exceedingly good judgement and intelligence he was given charge of Jhanjharpur circle also. About his interest in the new assignments Major Money had the satisfaction to make the following observations in his report for the year 1876-77 :

"The Maharaja has a room in my office and he is daily at his work there for several hours; he does not work superficially, but has mastered the principles on which the estate is managed, has made himself thoroughly conversant with the system of mofussil records and accounts, and patiently enquires into ryots grievances, and supervises the sub manager's work. I think that it is quite exceptional to see a young man in the Maharaja's position show such willingness to work and such determination to manage his affairs in the best manner possible............". A Member of the Board of Revenue, Mr. Dampier, had personally seen several autograph letters of the Maharaja on the business of his estate, which showed that "he takes an interest in its management, and exhibits a practical knowledge of its details, which is perhaps rare among landowners of such position".[8] The Lieutenant Governor, Sir Ashley Eden, also entertained a very high opinion regarding the ability of the young Maharaja. From his frequent conversations with the Maharaja he believed that "he takes a considerable share in the management of his property, evinces an intelligent interest in the details of its administration, and recognises the heavy responsibilities which will fall upon him when he takes charge of his estate. The Maharajah has also shown the keenest interest in the welfare of his ryots".[9]

Now that the Maharaja had begun to take interest increasingly in the affairs of his estate it was deemed quite unnecessary to keep a tutor any longer for him. Mr. Alexander's services were therefore dispensed with. At the same time it was decided to appoint a person who, while carrying on his younger brother's and his cousin Jhotoo's education, would be a friend to the Maharaja and encourage in him and his brother the taste for mainly games and sports. Captain Evans Gordon was appointed for the purpose.

From Major Money's report we also learn about the Maharaja's interest in sports and other amusements. He writes : "A pack of fox-hounds, which were got out from England, gives him much amusements in the cold weather and he takes keenly to this sport. He plays at Polo, Lawn tennis, and billiards and enters into all the station amusements, has taken to driving, and can already guide a four-in-hand team very creditably. He has very nice quiet gentlemanly manners and is in every way well-fitted to take his high place in society with great credit to himself".[10]

During the next year (1878-79) the Maharaja remained incharge of the two circles and also of all the small holdings within the jurisdiction of Darbhanga town. Col. Burn who reassumed the office of General Managership had the satisfaction to report that the Maharaja took much interest in the management of his circles and carefully supervised the work of his sub-managers. He visited his circles frequently and came in direct contact with the ryots and carefully and patiently enquired into their grievances. During the absence of the Assistant General Manager, Llewhellin, on three months leave the Maharaja was put in charge of his office, and he conducted the duties efficiently. Col. Burn now consulted him in all important matters connected with the administration and welfare of the estate. Shortly afterwards the charge of the entire estate was to be made over to him formally. And the Court of Wards Administration had the reasonable satisfaction to report the following on the wards' accomplishments: "Above all, both the Maharajah and his brother had received a thorough English education, were proficient in manly exercises, and free from the vices which are too often the ruin of native magnates. The Maharajah had been trained to manage his own affairs and to take a lively interest in the welfare of his people, while his brother had been deemed fit for appointment to the civil service of the Province, in which he is now an Assistant Magistrate. They had both travelled over the greater part of Upper India, and made the personal acquaintance of the Viceroy, Lieutenant Governor, and other high officers of the state, as well as of many native potentates, to all of whom they commended themselves by their unassuming intelligence and gentleman like demeanour".[11]

From Maharaja Lakshmishwar Singh's own diary, of which a few pages have come to our notice, we get a more authentic information about his engagements, amusements, likings etc. of the period slightly before he assumed the charge of his estate. The few pages, under reference, are quoted below in extenso :—

January 31 : (1879). Got to Calcutta early in the morning at 5 O'Clock by the mail train. Put up at 19 Landon Street.

February 1 : The Chapter of the Star of India took place today. Went to see it. It was very well attended although the ceremony was nothing like that of the time of the Prince of Wales' visit.

February 2 : Called on Sir A. Eden and went on calling. Babooji left.

February 4 : Saw the Viceroy. Had a private interview with him. He was very polite and civil, asked me a lot of questions about the conditions of the Tirhut Ryots and its agriculture.

February 5 : Went to Rutledge's Fine Arts Exhibition. Saw Mackenzie and Macaulay. Prassan Tarkaratna and Yadunath Bhattacharya called in the evening.

February 6 : Went to the Museum. Andrew Clark called on us. Lord W. Beresford came to see the horses in the morning.

February 7 : Called on the Lt. Governor, Sir Ashley Eden. He told me to again come to him on Tuesday. Talked to him about lending the services of Govt. servants for S. Managers. He seemed to think that he would not do it but said he would see to it. Also spoke to him about a manager and investiture. Mr. Lyall called at about 11 O'Clock although he had promised to call at half past ten. Went to the theatre, Sir R. Garth and Mr. .... called.

February 8 : Called on Sir Fredricks Haines C. in C. and General Ross and Lumsden. Could not see Gen. Lumsden as he was engaged. Went to the Botanical Gardens in a Steam Ferry. Mr. Buckland said he would let us have the steam launch. We saw a steamer lying at the Ghat and mistook it for the one that was waiting for us. However, we managed to go in it and back. Dr. King and the Curator showed us all that there was to be seen. Gardens looked very pretty and we had a very pleasant walk. It was the pleasantest evening I have passed for a number of years. Dr. King seems to take a good deal of interest in the Gardens and has improved it greatly.

February 9 : Had a Canter in the morning on the bay arab "Ragus". Morning rather foggy and damp. General Ross called. Maulvi Abdool Latif and Juggudanand also called. Raja Rajendra Deb of Sobhabazar called in the afternoon. Went round the MALL and the Zoological garden in the evening. Chander Babu and

Jibanand Vidyasagar B. A., called in the evening. Had a long talk with Chander Babu about my future management.

February 10 : Woke up late in the morning. Did not go out. Saw G. A. and Co. and solicitors. Arranged with B. L. & Co. about Suggar and kerosen oil. Bought an umbrella and 2 carpets. Went out in the evening with the four in hand, David driving. Hari nath Bhattacharya called in the evening.

February 11 : Saw the L. G. He was very kind. Went to Watsons and had my beard clipped.

February 12 : Went out shopping in the morning. Started from Calcutta in the evening.

February 13 : Got to Arra in the Mail train in the morning. Started from BARRH at about 8 O'clock. Mrs. Burn joined us at Arra from Dinapore. Was introduced to General Ewart. Reached Darbhanga at 5 O'clock in the evening. Gen. Ewart was going to inspect the troops at Segowlee.

February 14 : Rode out in the morning. Did not go to office. Went round the gardens in the evening.

February 15 : Woke up late. Went to office and had a long talk with Col. Burn about many things.

February 16 : Called on Quinn. Spoke to him about the talk I had with the Lt. Governor.

February 17 : Col. Burn started for Rohika. I could not go as my wife got ill.

February 18 : Could not go out camping as my wife is still very ill.

February 19 : Shivaratri. Could not fast but did Pooja in 'PRADOSH'. My wife is still ill. Babu Bhudeb Mookerjee called in the morning and had a talk with me about the Sanskrit School.

February 20 : She is better today but very weak. Had a long talk with Hali Jha in the evening about many things. Bhudeb Mookerjee came here in the morning to have a talk with me about raising the standard of the English School and about the proposed Sanskrit School.

February 21 : Could not go out in the morning as I woke up very late. Drove out with David with the big coach in four in hand. Had a most narrow escape. The off rein broke all of a sudden as we were driving along the ditch in Nargona. The Leaders first of all made for the ditch but somehow or other the syces managed to stop them just in time. However, we had all to get down. My cousin, and Shibjee and Balmukund were with me. In the evening had a long talk with Peary Lal about the marriage committee.

February 22 : Was late in getting up. There was long Shastrarth about the forms of—See

Memo. In the night there was a nautch. Ram Ruttan, Ramadhin........and two or three others dancing. Ram Ruttan sang splendidly. Gave him a shawl (Doshala).

Had some coursing. Got and bagged foxes.

February 23 : Very late in getting up. Had some coursing with two bagged foxes. One of the foxes somehow or other managed to live. He was killed near the Motisagar and thrown by me into the tank. About two hours later on as I was sitting on the Verandah after my evening drive I saw what I thought was a jackal prowling by the banks of the tank on the back of my house in my garden. Bhola Thakur and Gudar thought it to be a dog. I ran after him and saw it to be a very lame fox. We tried to catch it but it escaped. NAUTCH in the night Ramadhin dancing very well.

February 24 : Weather decidedly warmer. Looks as if the hot weather is coming on. Had a very nice drive in the evening round the Garden. Every thing looks so bright and cheery. Had a go at KUSUMANJALI with Pandit Vishwanath Jha. Do not think it to be so easy as I thought. Fixed with Mr. Llewhellin about going out camping with him towards Jallay instead of remaining at Darbhanga. I shall look at the other parts of my estate during the hot weather. It will be such a bore but still must look to business before comfort. Raised Bhaio Pujari's pay by 2/8 as he has arranged the Sanskrit Library so well, although he is one of the most conceited servants I have ever seen.

February 25 : Had a drive in the MAIL PHAETON in the evening. Some dancing in the night. Getting tired of these nautches although I have to give these entertainments in the HOLI. Read the Yoga Sutra with MADHAVA JHA.

February 26 : There was a meet of the hounds but the servants woke me up rather late therefore I could not go out. Tried a new pair of bo............

February 27 : Made YATRA for starting to JALLAY, Drove out in the four in hand. Felt rather nervous as I have not driven out for some time. Horses going very well.

February 28 : In the morning Pandit Haladhara Jha came to me about his Gachee for which he has got a case. I sent him with HANOOMAN DUTTA to the lodging of the Law Superintendent MAHADEB Dutta with a message from me for him to write a letter to the Madhubani Pleader. There was performance of Ramcharan Bannerjee's "YATRA". The acting was pretty good but I could not understand much of it as it was in Bengali. They acted a piece from the Ramayana. They began with the Ayodhya Kanda and finished with Rajyabhisheka. I asked a lot of people. Bengalees were immensely pleased although I am quite sure none of them believe in RAM or in our religion. SITA'S acting was very good and many of us were moved to tears. Gave them a shawl and 125 Rupees.

March 1 : Started at about 10 O'clock in the middle of the day and thought that I would go and see Mr. Anderson but JALLAY turned out to be 10 COSES instead of only 6 coses as 1 originally thought. At Gopalpur Ghat all the PINDAROOCH CHOWDHARIES came out to meet and welcome me. Besides these people, there were one or two Pandits and BACHKAN THAKUR JYOTISHI with a lot of Vidyarthis. There was a high west wind blowing the whole time that we were in the carriage, got to JALLAY at about half past four. My servants and luggages came up rather late as I had started them too late as I thought Jallay was only 6 coses from Darbhanga. I was therefore obliged to be in the Sub-Manager's CUTCHERY for sometime. Rode towards the north up to the MAHANT's ASTHAN. Saw a few ducks in the MARKHIA CHOWK. Had a look at one of our SISSOO plantations.

Many of the trees had died. THESE TREES OUGHT TO BE VERY VALUABLE PROPERTY in my SON'S TIME i. e. IF HE TAKES THE TROUBLE TO LOOK AFTER THEM PROPERLY.

March 2 : In the morning could not go out as the men did not wake me up soon. Went to DHOGHRA in the evening and shot some ducks.

March 3 : Started from here at about 9¼. Passed through KHARAKA GORBANO........and Bath. Went about 2 miles in a dog-cart with Mr. Llewhellin. The rest we rode. Altogether we must have gone about 18 miles and back. The S. Manager Babu Bhuan Lal rode the whole way and back. KHARAKA & Gorbano do not belong to us. At BANOUL I "taheeded" the ryots about collections. One of the....Maliks has been trying to dispossess us of about 16 Bighas of land. Ordered the Jt. Ryots not to relinquish our possession. The lands used to be in the bed of the river but it has since silted up. He also heard that a PATHAN cultivates a bed of an old tank although he has only a *sunnud* for the fishery. We used to be in possession. The pathan is one of our ryots. I have therefore told him to relinquish his possession till I give a 'WAK GUZASHT'. At BARH I told the ryots that they must pay at the enhanced rates. There was a complaint about the PATWARIES LEVYING KHURCHA. Told the S. M. to enquire into it as I have no time. Shot 2 Teal. Had a look at the Sissoo plantation.

March 4 : Got Puja over at about half past eight. Had just something before going out. Started at about nine O'clock. Rode through RARHI and NAROUCH and a part of the way back. Coming back we got in the dog-cart at the MAHADEI tank. At Rarhi the ryots seemed immensely pleased at my coming there. Got a lot of SALAMI. At NAROUCH BEHARY we told the ryots that they should at once put up all their receipts to the Sub-Manager and that we might then remit them the money for which they have got receipts but which was not written down in our SYAHAS by the old Patwary. Some of them were unwilling to do this as they have somehow or other got hold of some of our printed receipt forms and forged the old Patwary's signature. They were afraid to put these receipts before the Sub-Manager as the Sub-Manager had told them.

The Wards administration of the estate effected creditable improvement in other respects also. For some years before the Wards administration the finances of the estate were in a completely shattered state. It was encumbered with heavy debts. Maharaja Maheshwar Singh was regularly compelled to borrow money on exorbitant terms to meet the instalments of government revenue as they fell due. He was on one occasion obliged to borrow a paltry sum of Rs. 300 from his Manager, Anderson, as he could not raise the money elsewhere. According to the Administration Report, " the debts due by Maharaja Maheshwar Singh to the creditors amounted to a crore of rupees. The estates were destitute of roads and bridges. The palace was neglected and in ruins, its courtyards quagmires; the environs a hopeless waste of jungles, pools and filth ".[12] But by the time the estate was made over to Maharaja Laksmishwar Singh the debts had been paid off. There was a cash balance in hand of Rs. 2, 75, 733, besides government securites of the value of Rs. 38, 54,500. Over 150 miles of road had been constructed and bridged. The old palace was now the centre of a pretty garden, some 50 acres in extent. The garden had been laid with much taste. According to the report, "it has good broad metalled roads, a fernery and orchid house, ornamental pieces of water overshadowed by weeping willows, a racquet-court with adjoining billiard room and bath, a deer park, and bathing pavillion for the ladies of the family. Between the palace and the park, in which Manager's house and office are situated, stands the Maharaja's present residence, a moderately sized but handsome building, furnished with elegance and taste having its own garden, aviary, etc. ".[13]

Thus well-equipped, both educationally and financially, Maharaja Lakshmishwar Singh could well afford to take a prominent part in after years in all the contemporary movements for the political advancement and social progress of his country. On 25 September 1879 he assumed the charge of his estate. According to the editor of *The Bihar Times* the event marked a turning point in the history of the province. "A knot of young and educated Beharees, encouraged by the installation of the youthful, enlightened and intelligent Maharaja of Darbhanga and goaded almost to desperation at the systematic neglect with which the province was still then treated, raised the standard of a pious protest and thus laid the foundation of all political life and all the progress which we see around us today. The Maharaja fulfilled their expectations; and shortly after his installation threw himself head and heart into all projects for the progress of the province".[14]

CHAPTER II

POLITICAL LIFE

STATE OF POLITICAL AWARENESS IN BIHAR—BIHAR LANDHOLDERS ASSOCIATION—BRITISH INDIAN ASSOCIATION—POONA SARVAJANIK SABHA—INDIAN ASSOCIATION—INDIAN NATIONAL CONGRESS—COW-PROTECTION ASSOCIATION—IMPERIAL INDIAN ASSOCIATION—HINDI-URDU CONTROVERSY—INDIANS IN SOUTH AFRICA.

Lakshmishwar Singh was born at a time when the country was passing through a most critical period of its history. Bihar under the able leadership of Kunwar Singh had seriously challenged the British supremacy in India, and made heavy sacrifices during the movement of 1857. But she had to yield before the better organisation and superiority of the British arms. The post-'mutiny' period brought a sense of much depression for the people of Bihar. The want of leadership was terribly felt. Hitherto the Zamindars of Bihar had been the social and political leaders of their respective people. But during the 'mutiny' the Zamindars who took up arms against the British government were thoroughly subdued and their estates were confiscated. Others who survived were mostly those who had acted as stooges of the government, and as such fell in popular estimation. Unlike Bengal, English educated middle class had not appeared on the scene to take up the leadership of the people. In fact English education, for various reasons, had not made much headway in Bihar. It was as late as 1863 that the first college in

Bihar was established at Patna. To man the administration in Bihar English educated persons had to be recruited from Bengal. Even for the few district High English Schools Bengali teachers had to be appointed. Often extra-allowance had to be paid to induce them to work in Bihar. The advent of these English educated Bengalies helped not only the growth of English education but also political consciousness in Bihar. The first English newspaper, *The Bihar Herald*, was started in 1872 by Guru Prasad Sen, a leading lawyer of Patna. *The Bihar Bandhu,* a Hindi weekly, was likewise started in Patna in 1874 by a non-Bihari, Pandit Keshava Ram Bhatta. A few Urdu newspapers had, of course, been started during the sixties of the 19th Century but they had very limited circulation and short lives. Thus there was practically no political life in Bihar till the late seventies of the 19th century. During the period the problems of Bihar sometimes attracted the attention of the British Indian Association and the Indian Association of Calcutta. Only very few Biharis took interest in the activities of these associations. Moreover, the forms of manifestations of popular feeling had also undergone a tremendous change. The emeutes, risings and open armed revolts had given place to appeals, representations and constitutional agitations.

As we know Maharaja Lakshmishwar Singh had received adequate liberal education. He was a keen student of History and politics. He had made extensive tour of the various parts of the country. He must have heard and read about the great movement of 1857 and the role of Darbhanga House in it. The period also witnessed a number of occurrences produced by bitter racial animosity existing between the ruler and the ruled. On 20 November 1871 there was a murderous attack on the Chief Justice of Calcutta High Court, J. P. Norman, by a Moslem fanatic. On 7 February 1872 Lord Mayo was murdered in the Andamans by a Wahabi prisoner. Nearer his home on 17 May 1872 the Subdivisional Officer of Madhubani, J. Barlow, was seriously assaulted when he visited the famous Saurath Sabha. In the course of investigation it was found that though the riot on that day had occurred not owing to any previous conspiracy but there was no doubt that the Maithil Brahmanas in general bore much hatred against Europeans.[1] Then followed a series of such assaults on British officers in the following years in different parts of Bihar, in which the Subdivisional Officer of Tajpur, Forbes, the Subdivisional Officer of Darbhanga, Johns, the Collector of Saran, Worsley, and the Magistrate of Gaya, Harris, were the victims. And then the Fuller episode of 1876, in which the European lawyer Fuller whipped his Indian coachman to death on a slight provocation and got himself free by paying a fine of Rs. 30/- only. All this must have influenced the mental make-up of the young Maharaja. Later events amply demonstrated the Maharaja's strong opposition to the racial arrogance on the part of European Officers. By education and temperament he was quite fit for taking an active interest in contemporary Indian politics.

Maharaja Lakshmishwar Singh started his public life with his entry into the Bihar Landholders Association, which was perhaps the first and then the only political organisation in Bihar, set up in 1878. He was elected as a member and one of the presidents of the Association on the very next day of his accession to *Gaddi*. The avowed object of the Association was to protect and advocate by all legitimate and constitutional means the interest of the landholders of Bihar, and to adopt collective measures for the general improvement of the province. But from the old records of the Association it appears that its interest was not confined to Bihar alone. For example, in 1880 Henry Fawcett was a candidate for the election of a member to the British Parliament from the Hackney constituency. On a previous occasion (1875) he had received monetary help from the British Indian Association of Calcutta, and he had taken interest in Indian questions in the Parliament. So on this occasion also the British Indian Association decided to help him, and its Secretary, Kristodas Pal, wrote to the Secretary of the Bihar Landholders Association, Guru Prasad Sen, to that effect. Guru Prasad Sen sought the instruction of Maharaja Lakshmishwar Singh as the President of the Association, whether the Association should cooperate in the matter.[2]

The Maharaja wrote to him on 30 March 1880 as follows :—' I have already subscribed the sum of Rs. 500 towards the fund. I will have no objection to subscribe an extra five hundred rupees if you circulate a subscription list amongst the officer members. Mr. Fawcett is the only member in Parliament who takes an active interest in Indian affairs and therefore every one should do what he can to help him". Henry Fawcett won the election. The question arose who should be congratulated for the success. Henry Fawcett or the people of the Hackney constituency ? Maharaja Lakshmishwar Singh's letter, dated 20 April 1880, in this respect is significant not only because he decided the matter in favour of the people of the constituency[8] but also the fact that he wanted the British public to know that a section of Indians took interest in politics. His letter is as follows :—

"Please circulate Babu Kristo Das Pal's to all the Maharajas for their opinion but in my opinion I think we should send the letter of thanks to the electors of Hackney. The English people ought certainly to know that a certain class of natives do take an interest in politics."

The Maharaja continued to be the president of the Association for his whole life and guided its destiny till the end. During the year 1880 Maharaja Lakshmishwar Singh was elected a member of the British Indian Association. From the remarks of the Maharaja on the margin of the letter intimating his election it appears that he had not even applied for it.

The Hon'ble Maharaja Luchmeshwar Singh Bahadoor
Darbhanga.

Sir,

I have the honour to inform you that you were elected a member of the British Indian Association at the meeting of the Committee held on the 21st instant. In conformity with rule No. 10 you were proposed a member by Maharaja Narendra Krishna Bahadur and seconded by the Hon'ble Peary Mohan Mookerjee.

I beg to be informed of the amount of the annual subscription which you may wish to contribute in aid of the funds of the Association.

Copies of the rules of the Association and of its later publications are herewith forwarded to your address.

British Indian Association Hall
No. 18, British Indian Street
The 22 nd April 1880.

I have the honour to be
Sir
Your most obedient servant
Sd/- Kristodas Pal,
Secretary
British Indian Association.

(On the margin is written "My dear Major Money
What do you think ? had better subscribe
Sd/- L. Sing).

After a few years when Kristodas Pal died (1884) in the very midst of the Rent Bill campaign the British Indian Association which was then in the zenith of its glory wisely left the lead to the Maharaja of Darbhanga. And thenceforward the Maharaja remained one of its leading members.

Besides, the Maharaja was also actively associated with other contemporary political organisations in the country. The Poona Sarvajanik Sabha, established in 1870, was one such association with which the Maharaja came to be associated. We have no information about the existence of any branch of the Sabha or its activities in Bihar. But the Sabha on many occasions made common cause with the British Indian Association and the Indian Association of Calcutta. For example it issued appeal jointly with the Indian Association to the free electors of Great Britain and Ireland on behalf of the unrepresented millions of India beseeching them to return candidates belonging to the liberal party to the new Parliament. We have already referred to the efforts of the British Indian Association and the Bihar Landholders Association for raising funds for the election expenses of Henry Fawcett. From a letter of the Maharaja of 7 March 1882 to the Secretary of the Poona Sarvajanik Sabha we get a glimpse of his patriotic fervour and political awareness. The Sarvajanik Sabha's proposal of sending a few meritorious youngmen to England for the bar and other lucrative professions appealed to him very much, because these professions were then "almost entirely monopolised by foreigners." He felt very proud of his country—"a country", as he wrote, "which was once the most civilized country in the whole world and which was the pioneer of civilization in the Western Countries". It is, therefore, no wonder when we find him asserting equality before law of his countrymen with European subjects during the debates in the Supreme Legislative Council in 1884 in connection with the Ilbert Bill. In the same letter he recalls to his mind the glorious past of Poona. He says "the very name of Poona calls to our mind the almost superhuman efforts of Shivajee and the grand old Peshwas to free India from the thraldom and tyranny of Mohammadan rulers and Your Satara still makes us think that in Poona at least the old spark of patriotism is not extinguished".

It may be mentioned that in Maharashtra Wasudeva Balwant Phadke had raised the standard of armed uprising in 1878. He soon made himself a terror for the

British government. A sum of Rs. 50,000 was announced as reward for his arrest. He was arrested on 20 July 1879. He was brought over to Poona and tried. He was sentenced to transportation for life. He was kept in Eden Jail wherefrom he tried to escape but could not. At last he died on 17 February 1883. It is not unlikely that the activities of Phadke might have been in the Maharaja's mind when he wrote that the spark of patriotism in Poona was not extinguished.

Maharaja Lakshmishwar Singh subscribed Rs. 2000 annually to the Sarvajanik Sabha for the "laudable object".[4] We do not know if there were any other individuals in Bengal or Bihar who were associated with the Sabha at so early a period.

Another important political organisation of this period was the Indian Association, founded on 26 July 1876, with the objects of creating a strong public opinion in the country; of uniting the Indian races and people upon the basis of common political interest and aspirations; of promoting friendly feeling between Hindus and Muhammadans, and of associating the masses with the great political movements of the day. Surendra Nath Banerjea played a notable role in the development of the activities of this Association. One of the earliest questions the Association took up for agitation was the simultaneous Civil service examination both in India and England. In the course of an extensive tour of Upper India for the purpose Surendra Nath Banerjea had visited Patna also. He received an enthusiastic co-operation from Khuda Bux Khan, Guru Prasad Sen and Shyama Charan Ghosh in organising meetings etc.[5] Another member visited Bhagalpur and Monghyr. In 1883 the the Association started a movement for raising a National Fund "with a view to secure political advancement of the country by means of constitutional agitation in India and England and by other legitimate means".[6] By a resolution other provinces of India were invited to join the movement. All the important leaders of the movement viz K. M. Banerjee, Narendra Nath Sen, Anand Mohan Bose, Surendra Nath Banerjea and others. approached Maharaja Lakshmishwar Singh for his co-operation in the movement. But the earliest letter to be addressed to the Maharaja in this connection, even before the scheme of National Fund had been published in the *Indian Mirror* (4 July 1883), was from Tarapada Banerjee, Vakil of Krishnagar, who is credited to have conceived first the idea of this Fund. The letter is dated 5 June 1883, that is, about a month before the scheme was published by him in the *Indian Mirror.* The reason for writing to the Maharaja is given in the letter itself. Surendra Nath Banerjea claims, in his *A Nation in Making* (p. 75) that the idea of National Fund had been started as a memento of his imprisonment. But the letter in question does not refer to any person or event. In view of its importance the letter is reproduced below.

Dear Sir,

A National Fund is our great desideratum and the necessity of it, we have already begun to feel. I consider that my countrymen who are really anxious for the good of their country ought to try to have a Permanent Fund to meet expenses on matter concerning national questions without being obliged on each particular occasion to have recourse to public subscriptions and I have no doubt considering the interest my countrymen are now taking in public matters that we shall succeed in raising a sufficient amount to constitute a National Fund, if we but earnestly try.

A committee of representative men of all parts of India, ought to be formed and meetings in important towns and cities held for the purpose without any further delay.

I take the liberty of making this suggestion to you hoping you will, if you do not disapprove my scheme, take the matter up in right earnest. I shall be glad to communicate my views regarding the details if you wish me to do so.

As we know that you always take a lively interest in the cause of our poor country I am emboldened to address this letter to you,

Hoping to be communicated with,

I remain Your obediently,
Sd/- Tarapada Banerjee,
Dated 5th June, 1883. Krishnaghur, Nuddeah

The letter bears the initials of Maharaja Lakshmishwar Singh with instruction to " Ask for the details of the scheme," which shows that it was put up before him on 15 July. It was not a circular letter, but it is rather strange that it was put up so late before the Maharaja. Perhaps the Maharaja was not very prompt in attending to his letters as a friend had once complained about letters lying unnoticed for days together. Meanwhile the Maharaja received a circular letter from K. M. Banerjee, President of the Indian Association, regarding a public meeting on 17 July 1883 to consider the means for raising a National Fund.[7] He therefore asked for a copy of the proceedings of that public meeting. Letters in reply to the two letters were despatched on 24 July 1883. We have not come across any other letter from Tarapada Banerjee to the Maharaja. Now that the scheme of National Fund had come out in the press and adopted by the Indian Association it is likely that Tarapada Banerjee did not consider it necessary to reply. But K. M. Banerjee immediately forwarded the required copy of the proceedings on 28 July 1883 with the following observation. "It is to us a matter of no small satisfaction to find so distinguished a nobleman as the Maharaja of Darbhanga taking an interest in the important movement that has been inaugurated and we fervently hope that he will encourage it with his enlightened munificence." He wrote a personal letter to the Maharaja on 31 July 1883 giving some more details regarding the Fund. The letter runs as follows :—

7 Chowringhee Lane
Calcutta 31 July 1883.

May it please your Highness,

I have already had the honour of addressing a letter to your Highness' Private Secretary on behalf of the Indian Association as its President. The liberty of a direct address to Your Highness which I am now taking is on my sole responsibility.

At the late public meeting for instituting a National Fund, my remarks in my opening address have been very imperfectly reported as I had no time to write out my speech. I think it would not be a sufficiently respectful response to the kind and condescending enquiries communicated by your Highness' Private Secretary, if I did not supplement the answer submitted from the Associations Rooms by adding something of what I myself said at the meeting.

I pressed on the attention of the public the necessity of a National Fund not only because of the prospective advancement of our country but also because the benifit already assured to us are now in danger of being lost. An unexpected change of front appears on the part of most of the conservative leaders in Parliament. Their opposition to Mr. Ilbert's Bill is mixed up with their dis (card ?) of Lord Ripon's liberal policy in respect of local self government and similar measures. Principles and measures which conservatives themselves had professed and initiated are now openly repudiated by their successors. It was Lord Hardinge conservative nobleman and a most kind-hearted Governor-General that towards the close of his administration initiated the principle of self-government in Calcutta and yet his successors now oppose Lord Ripon's policy. It was the conservative ministry under the late Lord Derby that issued the Royal proclamation of 1858 on the transfer of the Government of India from the late East India Company to the Crown and the liberal principles of that proclamation are now slighted by them. There is therefore need for a great contest in behalf of our threatened rights and that contest now is also called forth to protect the reverence due to Royal proclamations, to Acts of Parliament as well as to the office and person of His Excellency the Viceroy. For all these purposes and also for the prospective and progressive advancement of our country a vigorous resistance is wanted against the opponents of existing authorities both here and in England.

This National Fund is also to be a catholic Fund as far as Indian Communities are considered. No clique or party no division or sect to be either excluded or suffered to be predominant, where there are conflicting interests among ourselves the National Fund will not be devoted to either—but with due regard to our really national interest we ask for contributions from all our loyal fellow countrymen and fellow-subjects.

I need not say more when I am addressing a nobleman on whose large hearted generosity the Viceroy himself expatiated so justly at the distributions of prizes in the Mahametan College not very many months ago.

Begging your excuse for this intrusion and wishing your Highness continued health and prosperity.

I remain,
Yours most faithful,
Sd/- K. M. Banerjee.

Maharaja Lakshmishwar Singh appears to have been watchful of the course of the movement, for there was already a rumour that the Fund was likely to be used as much against the Government as against the Zamindars. Naturally it needed time before the misgivings about it could finally settle down. It is also possible that the Maharaja did not consider it advisable to join the movement publicly. At least Surendra Nath Banerjea had these things in mind when he wrote to the Maharaja's private Secretary, Chandra Sekhar Bose, on 14 November 1883, that "not a pice of the money raised will be devoted to the prejudice of the interests of the Zamindar. That is a false alarm which has been raised and its falsity will be apparent from the fact that Babu Mohesh Chander Choudhary, one of the Trustees, is himself a Zamindar and a member of Central Committee of Landholders". He added, "if the Maharaja does not wish his name to appear, His Highness has only to intimate his wish to that effect, and it will be carried out". He hoped that the Maharaja as "one of the most enlightened Zamindars in the province I am sure he will not hesitate to lend a helping hand in aid of a movement which is fraught with good to the country".

We have not been able to know the extent of the Maharaja's cooperation, but it is rather significant and suggestive that the first branch of the Indian Association in Bihar, as it appears from its annual reports, should have been established at Darbhanga. And the second National Conference organised by the Indian Association in 1885, "Bihar was especially represented in the person of the President of the Bihar Landholders Association by His Highness the Maharaja of Darbhanga".[8] The author of History of the Indian Association regards this conference as the greatest achievement of the Association since its inception. National cohesion and solidarity for which the Association had made ceaseless efforts for eight years seemed at last to have taken shape in this conference. The delegates attending the conference came from all parts of India—Marahatta, Punjabis, Madrasis, Hindustanis, Biharis, Oriyas—both Hindus and Muslims.[9]

The most important item of agitation for all the political organisations in the country during those days used to be the expansion of Legislative Council so as to include some elected representatives of the people. As a result of the deliberations in the National Conference a select committee was set up to draft a constitution for the proposed Legislative Council. Maharaja Lakshmishwar Singh's position can be easily understood from the fact that he headed this committee, of which Surendra Nath Banerjea was the Secretary.[10] It may be noted here that the second National Conference was being held in Calcutta at about the same time when the Indian National Congress met for the first time in Bombay. The second session of the Indian National Congress was held in Calcutta in 1886 and no more was heard of the National Conference. The Indian Association continued, and during the days of agitation against Cadastral Survey in Bihar (1893), we find the Maharaja making efforts to secure the co-operation of the Association in their struggle, and he succeeded.

The next political organisation with which Maharaja Lakshmishwar Singh came to be very closely associated with was, of course, the Indian National Congress. The genesis of the Indian National Congress has been variously stated. The individuals and events that are generally associated with it are A. O. Hume, suggestions of Lord Dufferin, the meeting of seventeen persons at a private house after the Theosophical convention at Madras, the Industrial conference in Calcutta and the rally of Indian leaders in Bombay to bid farewell to Lord Ripon. This state of uncertainty is itself enough to show that there were more than one individual and event responsible for the coming into existence of this national organisation. To call one person to be the Father of the Indian National Congress is, therefore, not strictly correct. Even if a person gets the credit for having delivered the "child", there were certainly others who could reasonably claim a greater share for having fostered the "child" during its infant days but for whom it would have met a premature end. And among them Maharaja Lakshmishwar Singh occupies a pre-eminent place.

The first session of the Indian National Congress in Bombay and the second National Conference in Calcutta were held almost simultaneously. We do not know whether Maharaja Lakshmishwar Singh had received any invitation to attend the first session of the Congress. But mention has already been made about his participation in the second National Conference and the important assignment made to him. This Conference had been organised jointly by the British Indian Association, the Indian Association and the Central Muhammadan Association. The second session of the Indian National Congress of Calcutta was orgnised by the two former organisations. Surendra Nath Banerjea writes the following in this connection :

"In the year 1886, the Indian National Congress met for the first time in Calcutta, and great was the popular enthusiasm. All parties combined to welcome the delegates who came from different parts of India. We of the Indian Association and belonging to the middle class were all Congressmen; but what was

डा. [illegible] कल्याणी स्मारक पुस्तकालय

remarkable was that the British Indian Association, representing the landed interest, and what I may call the conservative conscience of the community, threw themselves heart and soul into the matter. Such enthusiasm this venerable body had never before, and have never since, displayed for the Congress cause. The illustrious Raja Rajendralal Mitter, more a scholar than a politician, was elected Chairman of the Reception Committee, and Babu Joy Kissen Mookerjee the Nester of the Bengal Zamindars, then in his seventy-ninth year, proposed the election of Mr. Dadabhai Naoroji as President of the Congress. It was altogether a Congress of old men, and it brought out in striking relief the great fact that young and old, the middle class as well as the landed aristocracy, indeed all sections of the Indian community, were united on the Congress platform".[11]

In view of the position that Maharaja Lakshmishwar Singh had come to occupy in public life and the interest he had been taking in political movements it is not unreasonable to hope that he might have been invited on this occasion. An idea of the amount of interest taken by him can be had from the fact that out of the total expenditure of Rs. 16,000 on this session the Maharaja had contributed the sum of Rs. 2500. Apart from the mention of this contribution by the Maharaja, the annual reports of other sessions of the Indian National Congress are silent regarding his monetary help. The Maharaja is mentioned to have sent a letter of sympathy on the occasion of the third session of the Congress at Madras in 1887. In the annual report of 1888 reference is made to his having lent a spacious *Shamiana.* The annual report of 1892 contains reference to his having made available the Lowther Castle of Allahabad for the session, for which a resolution was passed to thank him. The tenth annual report (1894) of the Congress contains a resolution by which the Maharaja was nominated one of the members of the deputation that was to wait on Lord Elgin. And the annual report of 1898, of course, contains a feeling reference to his sad demise by the President of the session, Anand Mohan Bose, and also a resolution of condolence. Other official publications of the Congress are also not helpful in giving us a correct picture of the association of the Maharaja with the Congress. The result has been that till recently very little was known about the services of the Maharaja to this national organisation. Some of the contemporary Congress leaders no doubt knew about it but they too have not left behind any record of it. It is, therefore, not at all surprising that we do not find a word about Maharaja Lakshmishwar Singh even in the voluminous History of the Freedom Movement in Bihar.

Maharaja Lakshmishwar Singh had a very small span of life. He died in 1898 at the age of forty only. So his association with the Congress lasted hardly for twelve years. Till the third session of the Congress (1887) there was no open criticism of it from the government. On the contrary, at the close of the second session of the Congress in Calcutta Lord Dufferin received as "distinguished visitors to the capital"[12] a deputation headed by the President and invited them to a garden party. During the third Congress session at Madras also the Governor of Madras received the delegates at Government House, and sumptuous refreshments were provided with the Governor's band in attendance. But shortly after a complete change was noticed in the official attitude towards the movement. In the course of his farewell speech Lord Dufferin, perhaps disturbed by the growing assertion of the Congress demands thought it fit to describe its adherents as a "microscopic minority" of the multitudinous Indian people. Efforts were made on the part of government to prevent the fourth session of the Congress being held at Allahabad. We get a glimpse of critical position of the local Congress organisers from the following extracts from Annie Besant's *How India Wrought For Freedom* (p. 54):

"The Reception Committee first informed that they could use the Khusro Bagh, but the permission was later withdrawn. Then in April they were given permission to rent a large piece of wasteland near the 'fort' four months later the rent was returned, (refused on military grounds). Then they secured a group of houses belonging to friends, but these were near the *Pioneer* Office, and as this was intolerable to the stately Journal, and some of the houses were within cantonment limits, the military authorities refused to allow these to be used. Finally, just seven weeks before the meeting while the authorities were chuckling over their success a representative of the Reception Committee slipped quietly over to Lucknow, with a carefully drawn lease and the rent in his pocket, went to a Nawab, whose splendid House in Allahabad happened to be vacant and persuaded him to accept the rent and sign the lease. On the very next day, the Reception Committe walked in and took possession, and Lowther Castle, in the very middle of the civilian quarter, nodded to his next door neighbour, Government House, where Sir Auckland Colvin fumed in helpless wrath".

Besides the official opposition, the nascent organisation was threatened with extinction from two other quarters also — the Moslems and some leading members of the Congress itself. Sir Syed Ahmed together with Syed Ameer Ali and Abdul Latif had accelerated his campaign against the Congress movement to keep his coreligionists away from it. They had succeeded to the extent that Hume feared if they could be able to hold the session of the Congress at Allahabad, the Province being a stronghold of Sir Syed Ahmad. To counter their tirades against the Congress he thought of persuading Badruddin Tyabji, the President of the third session of the Congress, to preside over the fourth session also. He accordingly wrote to Tyabji on 22 January 1888; "There is a sense growing up that this Congress at Allahabad will be the turning point of the movement. That invading our opponents' own dominions, we must carry the day, or give up the campaign and it is beginning to be felt that if we are to succeed we must again have a Mohammedan President and that President must be Yourself. It is believed that with you as President, Syed Ahmed's tirades will have no effect with the North of India Mohammedans".[13] But Tyabji could not be persuaded. He had been approached by Sir Syed also to give up his connection with the Congress. In a letter to Hume, dated 27 October 1888, Tyabji suggested the prorogation of the Congress for five years. He wrote that " if the Mussalman Community as a whole was against the Congress-rightly or wrongly does not matter — it follows that the movement *ipso facto* ceases to be a general or National Congress".[14] And he came to the conclusion that it was time to cease the holding of Congress sessions annually, and after the forthcoming session of the Congress at Allahabad it "should be prorogued say for at least five years".[15] To emphasise his viewpoint he added, "what I write now, therefore, may be taken to represent the views not only of myself and other leading Mahommedans of Bombay, but such man as Mehta, Telang etc." Mehta and Telang had not attended the Congress sessions at Calcutta and Madras. But they came to Allahabad to attend the fourth session, perhaps with a view also to impress upon other members the inexpediency of holding the Congress any more or at least for some years. The question remained agitating the senior members, although no open resolution was brought forward till the Nagpur session of 1891. Even Hume had begun to think on that line, for he wrote clearly to Maharaja Lakshmishwar Singh on 2 January 1892 that "Both the British Committee and myself had recommended a temporary intermission of the annual Congress, which do entail a great strain on the country, but they would not hear of it — on the contrary they determined to hold the Congress annually until all necessary Reforms have been conceded". A resolution to that effect was unanimously adopted in the Nagpur session, and it saved the institution from succumbing to infant mortality. But under the circumstances we are led to thinking that these senior leaders perhaps would have not felt much hurt if the official opposition had succeeded in forestalling the session at Allahabad in 1888.

So the year 1888 witnessed, for the first time, a most critical period in the history of the Indian National Congress. It could tide over the difficulty due, mainly, to the timely help of Maharaja Lakshmishwar Singh, who, unmindful of the official attitude, came to the rescue of the Congress. This leaves us in no doubt that the Congress cause was very dear to the Maharaja. He clearly visualised the great harm that the failure in holding the Congress session at Allahabad would have caused to the nascent organisation. Even in subsequent years there came occasions when his timely support saved the organisation from meeting a premature end. The Congress reports, for obvious reason, are silent regarding the services of the Maharaja. The prominent organisers of the Congress session at Allahābad also, for the same reason, kept the matter a closely guarded secret. But the government had its own source of information. In a confidential report of 17 may 1889 we find, besides an account of his other anti-government activities, the following about the Maharaja's association with the Congress : "The Maharaja is supposed to be a supporter of the Congress movement and is said to have contributed Rs. 28,000 to its support. At one time it was rumoured that he would be appointed President of the Congress meeting at Allahabad, for which honour he would pay handsomely".[16] This fact is again repeated in another confidential report prepared in 1899 at the instance of the Secretary of State for

India, George Hamilton, on the extent of the support given to the Congress by chiefs and leading Natives of India. The following occurs in it regarding Maharaja Lakshmishwar Singh :

"We have nothing to prove that the late Maharaja of Darbhanga contributed Rs. 10,000 a year, but it is certain that he did give very large pecuniary assistance. In 1888 it was rumoured that he was to be nominated President of the Congress to be held at Allahabad and that he intended to contribute a large sum. In 1890 he and the Raja of Vizianagaram each subscribed Rs. 5,000 towards the cost of Babu Surendra Nath Banerji's deputation to England to lecture on behalf of the Congress. In the same year he was said to have given Rs. 2,000 to Mr. W. C. Bonnerjee as his first instalment towards the expenses of the next Congress. In 1894 Babu Surendra Nath Banerji mentioned at a meeting held on the 2nd February that in the previous year the Maharaja had contributed Rs 20,000. In 1893 and 1895 an 'Indian Friend', who was supposed to be the Maharaja of Darbhanga gave Rs. 15,000 to the Permanent Fund of the Congress and Rs 8,000 to the Special Fund for *India*".[17]

The question naturally arises as to what had been Maharaja Lakshmishwar Singh's contributions to the Congress till then that his name was being tipped for its Presidentship. The Congress report for 1888, as already mentioned, does not mention anything about it. It, of course, contains Reuter's following telegram on the Congress (P.VII).

"................Mr. George Yule, a merchant of Calcutta and ex-President of the Chamber of Commerce, was elected President of the Congress on the motion of Sardar Dyal Singh, the premier Sikh noble of the Punjab in the absence of Maharaja of Darbhanga through illness".

In a contemporary newspaper, *The Hindoo Patriot* of **31** December 1888, the following is recorded in the editorial comments on the fourth session of the Indian National Congress about Maharaja Lakshmishwar Singh........... "the Maharaja of Darbhanga *who rendered most material aid to the (Reception) Committee* and who fully intended to be present was at the eleventh hour prevented by illness from doing so. In the absence of His Highness the Maharaja of Darbhanga, who was to have moved the resolution, Mr. George Yule was voted to the chair on the motion of Pherojesha Mehta of Bombay who was seconded by Sirdar Dyal Singh Majitia of the Punjab and was supported by many other distinguished delegates........".

Although these accounts vary in details, they leave no doubt that Maharaja Lakshmishwar Singh wielded considerable influence on the Congress. The tradition is that it was Maharaja Lakshmishwar Singh who exercised his good offices with the Moslem Nawab, the owner of Lowther Castle of Allahabad, and made it available for the Congress session. This is confirmed by the contemporary account of Nagendra Nath Gupta, the editor of the *Tribune*. He has given an account of this session in his book, "*Reminiscences and Reflections*" (p. 117). He was himself a visitor to this session of the Congress, and as a friend of the top Congress leaders of the time he was in a peculiarly advantageous position to know the truth.

And above all he had no personal end to serve in making a record of the event.

Gupta writes: "At the fourth Indian National Congress held at Allahabad in 1888, Sind was fairly well represented. Tahilram Khem Chand Hari Chand, Rai Vishindas and several others were present. I had gone down to Calcutta some weeks earlier and went to Allahabad with the Calcutta and Bengal delegates. Narendra Nath Sen, Asutosh Chaudhuri and myself occupied one tent. Pandit Ajudhia Nath of the Allahabad Bar was chairman of the Reception Committee and Mr. David Yule, head of the firm of Messrs. Andrew Yule & Co. of Calcutta, was President. Less than a month before the meeting of the Congress, Lord Dufferin, with laboured rhetoric, had denounced the Congress as a microscopic minority at the annual St. Andrew's Dinner at Calcutta, and the result was that about two thousand delegates foregathered at Allahabad. Mr. Yule, who was present at the Dinner in Calcutta said Lord Dufferin's oration had left him cold. Sir Auckland Colvin, Lieutenant Governor of the United Provinces, had written a remarkable article in the *Pioneer* entitled 'if it is real what does it mean?' in which he had treated sympathetically the approaching awakening of national consciousness in India, but he did everything he could to thwart the Congress at Allahabad. As Pandit Ajudhia Nath pointed out in his scathing speech at the opening of the Congress, the Reception Committee could not get even a site until Maharaja Lakshmishwar Singh of Darbhanga bought Lowther Castle with its extensive grounds so that the Congress met within biscuit-throw of the Government House, Allahabad".

From the sale-deed of Lowther Castle, however, it is clear that the actual deed was executed in 1892. Perhaps the Nawab, Inayat-ud-dowla Sayyed Muhammad Sajjad Ali Khan, who signed the lease in 1888 died shortly afterwards. The sale-deed is signed by his three successors—two sons (one a minor) and a daughter. For the minor son a guardian had to be appointed by the court. Had the Nawab been not alive in 1888, the lease could not have been signed overnight. His death perhaps delayed the execution of the final sale-deed.

Whatever may be the real position, there is no doubt that the services of Maharaja Lakshmishwar Singh to the Congress were indeed 'most material' and there is, therefore, nothing surprising if he was tipped for the presidentship.

We get further light on Maharaja Lakshmishwar Singh's close association with the Indian National Congress from some recently discovered letters of the Maharaja to his Private Secretary, Vindhya Nath Jha. Thus from a letter we learn that he had to suffer for his Congress activities. But what really hurt him more was the unkind attitude of the fellow-Congressmen. The irony of the situation indeed was that while he had unnecessarily incurred the displeasure of the government for his Congess sympathies there were some radicals among the Congress men like Surendra Nath Banerjea and others, as they were then considered to be, "Whose great aspirations in life was to crush down the Zamindars". The Maharaja wrote: "My Congress speech I am sorry to say, has got me into the bad books of Government. I had heard on the most reliable authority that they were thinking of bestowing titles on me. The thing was looked upon as almost a certainty. But I see that my name is not mentioned in today's gazette. This I am....same way as some people, but it clearly shows how careful and discreet I must be in future. On the one side you have the Government who can if they like be very disagreeable through their District Officer besides annoying in other ways; and *on the other side you have the Congress-wallas, who with but very few exceptions will never think of helping a fellow congress-walla in trouble* and who amongst their numbers count men like Surendra Nath and other whose great aspiration (?) in life is to crush down the Zamindars. The case would have been very different if we had two or three dozens of Humes, Ajodhianaths, or even Rampal Singhs".[18]

The Viceroy (Lord Lansdowne ?) had sent for the Maharaja for a talk regarding his Congress activities. He seemed to have approved of his viewpoints, but the Maharaja had his own doubts about the result of the interview. As he wrote to Vindhyanath Jha:

" Speaking of the Viceroy reminds me of a talk that I had with him about the Congress. He seemed at the time to agree with many of my views, but I have since had reasons to believe that much of this conversation was only ....".[19]

The apprehension of the Maharaja was quite correct, for we have evidence of the fact that it was just a follow-up of the action suggested by the Foreign Secretary to the Government of India, H. M. Durand, on 21 May 1889. Durand wrote, "I have little doubt he (Maharaja) has been trying to stand with the Congress party ....but on the whole I would not refuse him his hereditary titles. I think however that if the Lieutenant Governor agrees he might receive a quiet hint on the subject, when an opportunity presents itself. But the matter is a delicate one, and may be separately dealt with". The decision arrived at by the government was that the case for hereditary title "may stand over for a time". So his recent Congress speech was not responsible as the Maharaja believed, for the non-conferment of the title.

But what naturally troubled him, in the circumstance, was the undeclared policy of the Congress towards Zamindars. The Congress must come out with a clear cut decision on this point. If it was to be led by Surendra Nath Banerjea and his group, Lakshmishwar Singh, as a Zamindar, ought not strengthen an institution which might cause their ruin. The Congress movement had so far been sustained by Zamindars and it could ill afford to go against them. And the issue was ultimately decided in the annual session of the Congress in 1889 by the Resolution No. VII which urged the government "to take the permanent Settlement once more under consideration in view to practical action thereon, such that fixity and permanency may be given to the Government Land Revenue demand....in all fully populated and well-cultivated tracts of the country". Next year by another Resolution (No. VI) the government was requested to extend the permanent settlement to all temporarily settled tracts also in which certain conditions had already been fulfilled. From a letter to Vindhyanath Jha we get a background of these resolutions, which *inter-alia* also proves the hold of the Maharaja on the Congress organisation :

My dear Vindhyanath Babu,

.... As regards my going to Bombay or even sending a delegate, I have not made up my mind. But as long as the Permanent Settlement Resolution is not passed, we should be very careful not to commit ourselves unconditionally. I believe Surendra Nath Banerjea and some others are dead against the proposal. There is some chance of the resolution being rejected. If so, it would be simply (foolish ?) for any Zamindar to have anything more to do with the Congress. Mr. Hume and Kashinath Telang might no doubt be very popular and so is the present Lt. Governor. But popularity cannot do much against Surendranath's cry of "vote solid" and .... of school boys unless some very strong influences are brought to bear. Last year, Mr. Hume could not get the resolution put before the Congress and whatever reasons he might assign for it, I believe it was really the opposition of Surendra and others that stopped him from taking a more firm attitude. This year we have come forward as far as it is possible for us to do safely, and if the Congress stretches a helping hand, we might go still further. Representative institutions on the lines laid down by the Congress are always and have always been in every country against the landed interest, unless they are bound down by proper safeguards. And I wish if possible to make myself sure of these safeguards before committing myself unconditionally to the whole of the plan of the Congress.

Yours etc.

Sd/- Lakshmishwar Singh.

Now that the main hitch had been removed the Maharaja extended his full support to the Congress movement. Both in the Legislative Council and outside he cast in his lot with the Congress and guided it till the end of his life. Due to various considerations the Congress shifted its main activities to England for some years. The British Committee of the Indian National Congress was formed with a view to acquainting the British public with Indian problems. An idea of the invaluable services rendered by the Maharaja to the British Committee can be had from the following letters of A. O. Hume, W. C. Bonnerjee and others.

Nagpore
Decr. 8th 1891

Dear Maharajah,

I am sorry to be obliged to trouble you, for I regret much to learn that you have been far from well of late .... We have to close our English agency accounts for this year—this is several hundred pounds in debt in England because a good deal of the money promised has not been paid, and amongst this is your subscription which I do not think has ever been asked for.

Will you please very kindly send me at your early convenience a cheque for Rs. 10000/- due for this year, 1891.

You will remember, that...........originally promised .... is Rs. 10,000 a year and that you received that from .... in January this year and paid up the Rs. 5000, then still due on account of 1890. There is only for .... due, and that now please, like a good friend, send me so that I may clear off balances. I have money to recover from others also before I can quite clear the accounts but this is the largest item as Calcutta has already paid Rs. 4,000 of their Rs. 10000 subscriptions. I do wish you would come to the Congress this year—if only for one day, it will I hope and believe be a very fine one and you have not yet seen one and they are well worth............and this may be—will be the last............ Indian Congress (for our work now .... in England) for some years at any rate.

I know you hate being puzzled and bothered but do send me the money sharp and do make up your mind to come to the Congress and for once really come.

Yours very sincerely
A. O. Hume

Nagpore,
January 2nd, 1892.

Dear Maharajah,

You do not reply to my letter. You do not send me the money. We are very much in want of the latter. I cannot clear up the accounts for 1891 without it. So please like a generous friend send me a cheque for it.

Bannon tells me you were much the better for your stay in Simla and able, before you left, to take long walks without fatigue. I am very glad of this and .... at the improvement............continues and that beautiful........... season we enjoy in India at this time of the year neither too hot nor too cold, will do as much for you as it has done for me. I have been very........... in England this year and I was very unwell when I reached Nagpore, but the climate here, dry, cool, equable, has worked wonders and now for a man of my age, I am very well indeed and walk long 8 to 10 miles, everyday before breakfast and then come in quite fresh and work hard all day without being fatigued.

The Congress went (?) off famously. I think it was the best Congress we have had, on the whole .... Only 812 delegates but almost all representative men and from all Provinces, the Punjaub was badly represented—all these men paid all their own travelling allowances or I should say expenses, their delegate's fees (Rs. 10 each) and for all their food and I see a growing earnestness which is cheering. The drawback is that altho' there are 20 millions of Congressmen there are only about (....) 000, sufficiently in earnest about it to make real sacrifices and face official disapprobation for its sake. Here the officials are not opposed to it. The Pavilion only 180′ × 120′ and holding just 4500 chairs, was by far the prettiest we have had and it was crammed throughout and more than Rs. 6000 were paid by visitors. For the delegates too regular symetrical barracks, were built all round the large compound in the centre of which stood the Pavilion. Great enthusiasm prevailed........ I am quite satisfied with my child. Both the British Committee and myself had recommended a temporary intermission of the annual Congress, which do entail a great strain on the country, but they would not hear of it. On the contrary they determined to hold the Congress annually until all necessary Reforms have been conceded. I shall not come out for the next Congress and I am well assured that it will be second to none that we have yet had.

I send separately a copy of the Resolutions passed by the Congress.

With best wishes for your health and wishing you a healthy and happy new year and many more of them.

I remain
Yours very sincerely,
A.O. Hume.

Indian National Congress
(British Committee)
84 and 85 Palace Chambers
Westminster, London S.W,
Feb 3,' 93

My dear Maharajah,

Although the mail is just going out, I must write you and some few others of the leading men, a few lines which I hope will make you realise the gravity of the existing financial crisis here.

I am not going to give you details of these............ I shall later send you full printed statements. I shall only give you the resulting totals in even figures.

On the 31st Oct. 1892, when we took over the work from Messrs. Hutchinson and Co., their accounts as under shown a deficit against us of £ 885.

Between the 1st November 1892 and the 31st January we have spent on office (furniture, salaries, stationery etc.) and bringing out and advertising and circulating 10,000 copies of the January number of "India" £ 455, not one penny of which has been spent without Wedderburns' and my own most careful personal consideration, making a gross deficit of £ 130. Against this we have received (including some small remittances on account of "India" unto the Messrs. Hutchinson and Co., after our severance from them, and including £ 100 that I have given) altogether on account, both of "India" and subscriptions £ 659 showing a net deficit on 31st January, of £ 690.

But the practical deficit is larger because we must keep some money in hand, to carry on work for the next two months, and consequently we have outstanding of £ 200 loan for which Sir W. Wedderburn is responsible from the Union Bank of London, and £ 800 from the National Provincial Bank, for which Sir W. Wedderburn the executors of the late George Yule Esquire and Messrs. W. S. Caine and C. E. Schwann, M. P.s are responsible. Now for this........loan of £ 800, the Bank is pressing for payment, and these gentlemen are having to pay the sum out of their own pockets.

Now I believe you will understand that this cannot go on. If you expect members of Parliament to give their valuable time and services and also to be fined £ 200 a piece on your account, you will expect in vain.

Unless, therefore, you wish the whole thing to collapse you will see to the remission at once of at lesst £ 1000, of which £ 690 will serve to clear off old debts and £ 300 will keep the concern going until you send more. Roughly I estimate that, besides this £ 1000, £ 1400 more will be needed, at least, to pay our way to the 31st December next.

Now I don't care, and it don't matter one straw, how much of this total of £ 2400 comes out of the Reserve fund, how much out of Commitee's Contributions, how much out of subscriptions to "India" but the £ 1000 at once (less any amount that may have been remitted later than January 13, and as yet received by us)and a further £ 1400 as soon as possible and the whole of it before the 1st December, must be remitted.

Yours sincerely,
Allan O. Hume.

P. S. If you have not yet paid your generous subscription of Rs. 10,000 for 1892, I entreat you to pay up at once to W. C. Bonnerjee who will remit it to us.

A. O. H.

British Committee of the
Indian National Congress
84 & 85 Palace Chambers,
Westminster, London, S. W.
20th March 1893

My Dear Maharajah,

I write to acknowledge the receipt through W. C. Bonnerjee of £ 611-0-7 the equivalent of your princely subscription of Rs. 10,000 for 1892, and to thank you most heartily in my own name and that of the British Committee for having so generously and promptly responded to our appeal.

I cannot tell you what a weight this has taken off our hearts, I mean Wedderburns and mine, and how it has relieved us from the unpleasant remarks of some of the other English members of the Committee who did not relish having to pay the money that they guaranteed.

With this money, £ 200 given by Bonnerjee, £ 100 by myself and other smaller sums that have dropped in, we shall nearly clear off all the debt and shall merely require the money to keep us going which I doubt not will begin to come in and any how our honour is saved, because it will no longer be in the power of any one here to say that they were compelled to pay India's debts.

Again thanking you very heartily.

I remain
Yours very sincerely
A. O. Hume.

Kidderpore House
Bedford Park
Croydon,
August 25th, 1893.

My dear Maharajah Bahadur,

I received your telegram the day before yesterday. From the National Liberal Club where you had addressed it to me under care of Mr. Hume it was sent to the office of the British Committee of the Indian National Congress, 84 & 85, Palace Chamber, Westminster, London S. W. and from there it was sent on to me here, which is my proper address. On receipt of the telegram, I at once wired to Mr. Leith, the Secretary to the Bengal Legislative Council, telling him that I voted for your Highness as member of the Supreme Legislative Council. I hope my message reached Mr. Leith in due time, whether it did or not I was very glad indeed to find a telegraphic communication in the Times from its Calcutta Correspondent stating that your Highness has been unanimously elected by the non-official members of the Bengal Council as a member of the Supreme Council. I thought there must have been some mistake about Mr. Ghose's standing in opposition to you at any rate. All is well that ends well, and I sincerely congratulate you upon the confidence which has been shown to you by the non-official members of the Bengal Council and the honour which you will confer upon the Supreme Legislative Council by agreeing to become a member of it.

The funds of the British Committee are in a very low ebb just now and Your Highness will confer a great obligation upon the members if you will be good enough to send either to Mr. Hume or to me your contribution of Rs. 10,000 for the current year without delay. The money which Mr. Vindhyanath Jha gave me in March was, as Your Highness knows, your contribution to the Committee for the year 1892. Believe me, I would not trouble you if the matter were not very urgent.

I got a sharp attack of fever just before I left Calcutta and was therefore unable to write and let Your Highness know that I was coming here. I shall stay here till about the 27th of October and then start on my way back to Calcutta.

Hoping your Highness in perfect health and with kind regards.

I remain
Yours sincerely.
W. C. Bonnerjee.

British Committee, etc.
June 28th, 1895.

My Dear Maharajah,

I do not often bother you as you know—only when there is a real necessity—and that there is now. The fact is the subscriptions have been coming in very badly. We have written, and written, but the money tho' promised definitely comes in only in driblets. We have just had to borrow £ 300, for the work of the Committee on Wedderburn's and my responsibility and this will only cover the expenses of this office and the paper which is daily growing in importance, I send you an early copy of the July number, the only copy I fear that will reach India by this mail. Now we are all in the midst of the election work, neither Wedderburn nor I can advance another farthing. We require every farthing for the coming contest and failing aid, I fear that very great and serious interruption to the work of the Committee which is yearly gaining in importance will ensue.

What I beg and entreat of you is that as soon as possible after receipt of this, you will kindly send us Rs. 10,000 viz, Rs. 5,000, on account of 1894 and Rs. 5, 000 on account of 1895. If it were convenient and possible I would ask you to send not Rs. 10,000 but Rs. 15,000 viz, not only the balance of your generous subscription for 1894, but the whole of that for 1895 also. But this I leave to you, only Pray do not fail us, send us I entreat you at least Rs. 10,000 and send it right off. If you would write to your Bankers and tell them to wire to Sir William Wedderburn of 84, Palace Chamber, the equivalent of the Rs.10,000 or Rs 15,000, it would be a great thing, because we should get it three weeks earlier and it would come just when we most need it.

Do pray not fail us. You are positively the only man at this juncture on whom I can rely and I can and do rely on you to tide us over this time of trouble.

Ever dear Maharajah
Yours very sincerely,
A. O. Hume.

Even a cursory perusal of these letters would show that it was really Maharaja Lakshmishwar Singh who kept the Congress machinery going during these years. It was his concern—Hume, Wedderburn and others were working as if they were his agents. They sent detailed accounts of the expenditure, assured observance of economy in matters of expenditure and drew an alarmingly gloomy picture of financial crisis facing the concern. "Unless, therefore you wish the whole thing to collapse", wrote Hume in a state of utter desperation, "You will see the remission at once of at least £ 1000 of which £ 690 will serve to clear off debts and £ 300 will keep the concern going until you send more". And the never-failing Maharaja's timely remittance of the fund saved the situation. The English members of the Committee "did not relish having to pay the money that they guaranteed". Nor were the sympathetic members of Parliament expected to give their valuable time and services and also money. Even Hume and Wedderburn would not spare a farthing for the Committee's work in view of the Parliamentary election which they considered more important for them, although Hume knew it perfectly well that it would cause "very great and serious interruption to work of the Committee which is yearly gaining in importance".

Besides, we get some additional information about the Maharaja's services to the Congress during the period from other records discovered in the Raj Archives. In 1892 the annual session of the Congress was to be held again at Allahabad. Bishambher Nath, who was Chairman of the Reception Committee, wrote on 20 September 1892 to the Raj Law Superintendent, Surendra Krishna

Dutta, the following regarding Lowther Castle, the proposed venue for the ensuing session :

"I have addressed yesterday a letter to Mr. Vindhya Nath Jha, which you can peruse if you please. I trust both you and he will be so good as to expedite at once the arrangements for a thorough repairing of the 'Castle' with the permission of H. H. the Maharaja Bahadur. We have to take the preliminary steps for the next session here. Kindly let me know soon, when H. H. proposes to do for repairing the premises now".

From another letter of 4 January 1893 from one Avinash Chandra Banerjee, it is learnt that the Congress was over satisfactorily and Tulapati Singh, a close associate of the Maharaja, was there during the Congress session.

In October 1894 the Secretary to the British Committee of the Indian National Congress, H. Morgan-Brown, visited India with the object of meeting personally the members of every Congress Committee in Northern India and discussing the following among other matters of importance.

(i) To settle the accounts for 1894. Up to the present the Committees throughout India, taken as a whole, have paid about half their contribution for the current year. I trust that vigorous efforts will be made to collect any balance that may be outstanding for 1894 against my arrival.

(ii) To make preliminary arrangements for 1895, so as to facilitate as far as may be possible the final measures which may be adopted by the Subjects Committee at the Congress. In this matter I hope that the Committees will heartily co-operate with the British Committee in their desire to have the annual contributions paid principally in advance.

(iii) To lay before each Committee an account of the work of the British Committee for past year.

(iv) To discuss the possibility of a weekly issue of *India*[20] say, in 1896.

(v) To ascertain whether arrangements can be made for a few accredited representatives of the Congress to come to England in March and address meetings on Indian questions".

In his time schedule Morgan-Brown had set apart a day for Darbhanga also, so that he could have a discussion on Congress matters with Maharaja Lakshmishwar Singh. In his letter of 23 October 1894 Morgan-Brown thus wrote to the Maharaja : "I have set apart a day to visit Darbhanga in the hope that you might be able and willing to receive me on that day if you should happen to be at Darbhanga, to talk with you about Congress matters and Indian politics generally, in which you have always taken so active an interest; and I write now to ask you to kindly let me know whether it be convenient to you to see me on the date named in my time-table aforesaid". Although we have no definite evidence of the fact that the proposed meeting could take place and where, the confidential report of the Government of India (of 18 June 1899) clearly states that the Maharaja had contributed Rs. 8000/- in 1895 exclusively for the *India.* It was owing largely to his financial help that it became a weekly paper in 1898. Maharaja Lakshmishwar Singh's letter of 1893 to Vindhyanath Jha also throws some light on this sebject. He wrote : "I have promised W. C. Bonnerjee to subscribe for one hundred copies of *India*. I herewith enclose a pay order by the Ptc. (sic) Office for six hundred rupees. Pay this amount........".

With regard to the British Committee of the Indian National Congress it may be specially mentioned that prior to the year 1899 a sum of Rs. 60,000 per annum used to be voted by the Congress for the purposes of the British Committee. But during that year it was reduced to Rs. 54,000/. In 1900 it was further reduced to Rs. 30,000/- And yet the realisation of the amount proved to be too difficult. In 1901 some new ways were therefore devised to raise the necessary fund, e. g. to arrange for the sale of 4000 copies of the *India* in different Provinces of the Country, for which a sum of Rs. 8 was to be realised in advance from every subscriber, and to increase by the membership fee of the annual session of the Congress from 1902. And yet the problem could not be solved. During the Patna session of the Congress (1912) a quota of subscription was fixed for each Province for the purpose, according to which Bihar was to pay Rs. 1500 annually. Finally the British Committee was dissolved owing to financial and some other causes. In this background the services of Maharaja Lakshmishwar Singh who died in 1898, can be easily understood. It would be no exaggeration to say that it was he who had kept the Congress movement fully alive so long he lived. And this has confused some modern scholars of history to the extent that they have wrongly concluded that "Maharaja Lakshmishwar Singh made the contribution not to the general fund of the Congress but to the specific purpose of helping the British Committee to carry on its propaganda work in England".[21]

In 1896 the Congress was to hold its annual session in Calcutta. On September 26, *The Bengalee* issued an appeal requesting Maharaja Bahadur Sir Jotindra Mohan Tagore, Raja Peary Mohan Mukherjee and Maharaja Lakshmishwar Singh to guide the National Congress movement in Bengal. According to the paper their ripe political experience, thorough knowledge of the country, their wealth of resources and talent, their commanding personalities would be of the greatest possible service to the Congress. It regretted the indifferent health of the Maharaja of Darbhanga. "Nevertheless", the paper observed, "he could join with the above two noblemen in counsel if not in active service, and guide the counsels of the Congress". It added : "There is not a soul in the Congress Camp, who would not cheerfully place himself under the guidance of three such noblemen. It is not correct to say that men of position and property have forsaken the Congress. In that case the Congress could not have survived a day".

Maharaja Lakshmishwar Singh attended the session of the Congress on 30 December 1896. *The Bengalee* of 2 January 1897, contains the following description about this visit of the Maharaja :

"There was an interesting scene in the *Pandal* while the question was being discussed. His Highness the Maharaja of Darbhanga came to the Congress at about 4 P. M. while Mr. Howard (of Allahabad) was addressing the meeting. His Highness was accorded a right royal welcome. Everyone present rose as His Highness entered the *Pandal* escorted by a strong *posse* of Volunteers, and for five minutes nothing could be heard but loud cheers in honour of His Highness. His Highness received the warm greetings with becoming benignity".

Maharaja Lakshmishwar Singh perhaps did not attend any other sessions thereafter. His health had been very indifferent for the last several years. But his interest in the Congress movement remained undiminished till the last. His abiding interest in the Indian National Congress is evident from the fact that apprehending his impending death a few months before he actually passed away he dictated to his younger brother a long note in the form of "Instructions to the Future Maharaja", in which among other things he advised him to continue to subscribe to the Congress unless he found himself in very hot waters.

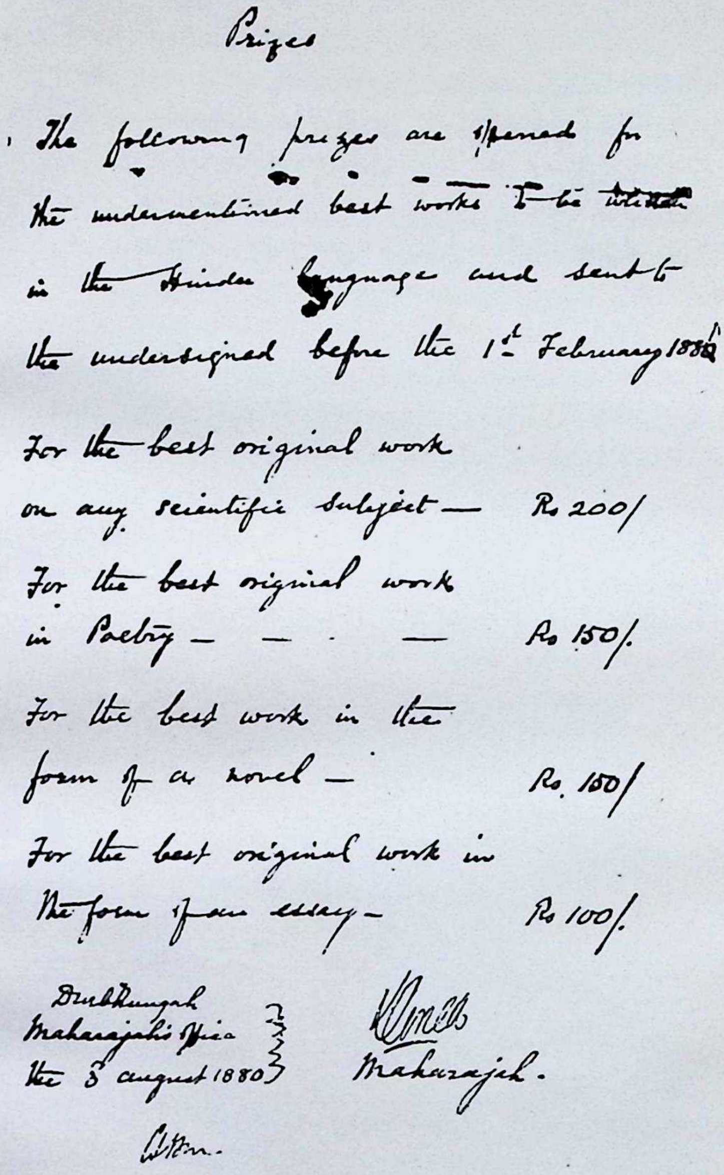
The Congress activities of the Maharaja, no doubt brought him immense popularity[22] and helped him in being unanimously elected thrice to the Supreme Legislative Council, indeed a singular honour—but they also made him a suspect in the eyes of the Government. Henry Cotton writes: "In spite of his open life and unsullied reputation, his Congress sympathies brought him into the category of suspects, and he complained to me with just indignation that his movements were shadowed by the police. It was not without difficulty that I relieved him of this surveillance".[23]

Yet another widespread movement with which Maharaja Lakshmishwar Singh was closely associated was the Gorakshini (cow protection) movement. It had its origin in the Hindu revivalism of the post 'Mutiny' period, caused by the prevailing bitter racial animosity in the country, which made it easy to identify the new idea of nationalism with a zeal for the old religion In 1882 Swami Dayanand founded the Cow-Protection Association. The movement started with the avowed purpose of protecting the cows. It naturally caused communal riots at a number of places in the country. Muhammadans in general felt that the movement was directed against them, and considered it to be an interference in their religious observances. The British officials held different views regarding the nature of the movement. Most of them considered it to be a law and order problem and in dealing with it they unfortunately showed partiality with the Muhammadans. Such an impression only helped in the deterioration of the situation. Mac Donell, a senior Civilian, sounded a note of warning against such conduct on the part of the British officials. As he reported to the Governor General Lord Lansdowne : "There is a bias in favour of Mahomedans on the part of my officers which must not be allowed to appear. The Hindus are so vastly in the majority that any bias against them would be productive of the worst effects, even if it were not so bad in itself. The strength of our position lies in our impartiality at present".[24] Lansdowne seems to have been impressed with the seriousness of the allegation, for he wrote : "I have always had an uneasy feeling that the Hindus might, after all, have good cause for complaint, and what you have said as to the bias in favour of Muhammadans exhibited by some of your officers, increases my misgivings. We ought to deal in an exemplary manner with any one whom we find taking sides, or making mischief".[25] But he did not make any major change in his basic policy and still continued to regard, with the majority of his officials, "the agitation as organised by disloyal men who were inspired solely by anti-British motive".[26] He was convinced that the Indian National Congress was behind the agitation. This is also evident from the fact that like the Congress activities, participation in the Gorakshini movement formed the subject of confidential report and was viewed as a definitely hostile act against the government.

Maharaja Lakshmishwar Singh joined the movement at a very early stage. In 1888 he resolved to donate two rupees per thousand of the income of his estate to the funds of the Cow-Protection Association.[27] In a confidential report of 17 May 1889 we get the following details regarding his association with the movement. "On the 17th March/88 there was a meeting in the Maharaja's school house at which he was present to endeavour to prevent by legal means the slaughter of cows, he subscribed Rs. 2500/- in support of the movement. Again in March the agitator Sriman Swamy, who was getting up meetings to protest against the slaughter of cows is said to have received money in support of his agitation from the Maharaja. Later on the Maharaja's name is published in the *Indian Mirror* as a subscriber of Rs. 2500 to the Cow Memorial Fund...............In September the Maharaja was present at a meeting of the anti-Kine killing Society in Darbhanga town and the Maharaja promised to pay any amount deficient towards making up a fund of one lakh of rupees. A week later another meeting of the same Society was held in the Private Office of the Maharaja. Again on the 27th October a large meeting of the same Society was held in Darbhanga at which, according to the *Indian Mirror's* report 4000 people were present, the Maharaja presiding. He himself addressed the meeting regarding the necessity for submitting a memorial to Parliament and the Queen Empress and said that the thanks of India are due to the agitator Sriman Swamy. At the end of the last year the Maharaja was praised by the *Hindu* (Madras) for having become a patron of the Cow Memorial Movement and contributed a lakh of rupees in furtherance of the object''. [8]

By 1893 the movement reached its height. The government had geared its entire machinery to quell the disturbances at various places in the country including Bihar, and to suppress the movement thoroughly. We get some references to it in a letter of the Maharaja to Vindhyanath Jha, received on 26 September 1893. He writes : "There is a very great stir about the Gorakshini movement. The Inspector the other day came to inspect our books........elzar and others have been making some very personal enquiries about myself. However I hope to tide over our present difficulties. I do not think we will be obliged to shut up our Sabha''.

The government had grievances against the Maharaja on some other counts also. He had given shelter to some Nepal refugees. The Bengal special Branch had reported that the Maharaja had been assisting the refugees with money. The Foreign Secretary to the Government of India wrote to the Chief Secretary,



Prizes

The following prizes are offered for the undermentioned best works to be written in the Hindee language and sent to the undersigned before the 1st February 1881

For the best original work on any scientific subject — Rs 200/

For the best original work in Poetry — — · — Rs 150/

For the best work in the form of a novel — Rs. 150/

For the best original work in the form of an essay — Rs 100/

Durbhungah
Maharajah's Office
the 3 August 1880

Maharajah.

Maharaja Lakshmishwar Singh's annual prizes for best books in Hindi (p. 75)

Bengal Government, that "the Maharaja was identifying himself to an undesirable extent with the Nepal refugees", and requested him that "he should be warned privately against mixing himself up in any plans for disturbing the peace".[29] In March 1889 Colonel Run Jung, his protege, was reported to have been at Darbhanga and a sort of conference had taken place between the leading refugees.

Maharaja Lakshmishwar Singh was also approached for accepiting the Vice-Presidentship of the Imperial Indian Association, when it came into existence in 1897. The Association had been started with the purpose of "promoting the just claims of the princes, Nawabs, and other territorial chiefs"[30] in the interests of India and the empire. The deposition of the Maharaja of Jhallawar in 1896 and the reduction of the Rajah of Bansi without a state trial were perhaps the immediate causes of this movement. The organisers of the Association hoped that by starting such a movement not only their rights and privileges in regard to the Paramount Power would be better defined and recognised but they would also be safeguarded against the arbitrary and unconstitutional action of the government.

Besides, Maharaja Lakshmishwar Singh took a lively interest in all the major problems facing the Indians, whether in India or outside. In the sixties and seventies of the 19th century the Hindi-Urdu controversy assumed a serious proportion. While Beams and others were in favour of Urdu, Growse and others agitated for Hindi or at best Hindustani embracing in its fold words of foreign languages also which had come very much in vogue. For some years the controversy remained confined mainly to official circle. A great nationalist and foremost thinker of his time, Maharaja Lakshmishwar Singh clearly visualised the great prospect of Hindi then in its nascent stage, and gave the weight of his personal influences in favour of Hindi. He took up several measures for the promotion of its cause. It may be mentioned that the controversy was between Urdu and Hindi. The question of his mother language, Maithili, was not in the picture. As a matter of fact the introduction of Hindi in the courts of Bihar from January 1881 was hailed among others by the great Sanskrit scholar Mm. Parmeshwar Jha. The Maharaja took the following decision on the subject.

Memo No. 4628, dated 20 July 1880, to all Sub-Managers.

The Hindi Character and language will be introduced in all our Zilla Courts. I had also given orders for the introduction of this Character and language in my office a very long time ago.

This however cannot well take (sic) place till our Vernacular *amlas* get thoroughly to understand the Character to read and write it fluently. This however I am sorry to say that none of our *amlas* knows how to do.

I have therefore been obliged to pass these orders. That all *amlas* should at once set to work to master the Hindi Character and language.

That I would give them another three months to learn it. That in November they will have to master it thoroughly and to save me from the painful necessity of pensioning or dismissing old hands.

Sd/- L. Singh. 14.7.80

In 1880 the Maharaja announced a number of cash prizes ranging from Rs. 100 to Rs. 200 for best books in Hindi on different subjects. The highest prize of Rs. 200/- was to be awarded for the best original work on any scientific subjects. Subsequent records show that in 1881 the prizes were awarded to Debinand Tiwari and Lakshmi Prasad He also offered to bear the entire expenditure for the creation of a chair for Hindi in the Calcutta University.

There was, however, a greater agitation in the country for the holding of simultaneous civil service examination both in India and England. On 2 june 1893 Herbert Paul moved a resolution on the subject in the British Parliament. He was supported by Dadabhai Naoroji. From the editorial of the *Bengalee*, dated 15 July 1893, it is learnt that a meeting had been held in the Calcutta Town Hall in support of Paul's resolution. It says that "the Maharaja of Darbhanga, who could not be present at the meeting owing to unavoidable causes, telegraphed his sympathy". But in a letter to Vindhyanath Jha he gave the following reason for his not attending the meeting:

"About the Civil Service meeting at the Town Hall I donot think it advisable for me to take an active part. My own opinion is against Dada Bhai's idea of making a stay in England compulsory. If we allow his Bill to pass it will be most difficult afterwards to get the 'stay at England' clauses cancelled later on. We ought to wait and create a feeling in India against this most objectionable clause. It may suit denationalised men, but all right thinking men should bear in mind the hardship which a compulsory residence would entail on the Indians as a class. It is besides repugnant to all orthodox Hindus or Mohammedans".

In a separate letter he gave his views on the question in greater detail. But it is so much damaged and mutilated that neither the name of the addressee nor date can be ascertained from it. The following extracts from a portion of the letter, however, make the spirit of the writer abundantly clear:

"I have received your telegram asking for my views about the simultaneous civil service examinations being held both in India and England. From (what) I understand there cannot be........ different opinion,............ candidate............fit to work in the service unless he........ India and visits foreign country. A thorough knowledge of the country, he has to work in, is far more necessary than a knowledge of foreign countries.

From an orthodox stand point of view, we must insist on the omission of these clauses from the (Bill).... (If the)........examinations are (held) both in India and England and the successful candidates get appointments in Civil Service without being compelled to go to England, then, I think, there is a grand opening for both orthodox Hindus and Mohammedans.

I am in favour of the Resolution on principle but against the details.

Some people think that this is not the time to raise objection and that we ought to try and introduce the....

end of the wedge. But........ (my) ....own impression is that it will be extremely difficult to get any modification after the Bill is once passed. I am quite prepared to see a Bill passed in which inducements are held out to those passed candidates who would like to go to a foreign country.

Besides looking at my objections to the clauses from a strictly orthodox Hindu point of view I base them on the most liberal principle that it is unfair to compel the Indian candidates for the Indian Civil Service to suffer all the inconvenience and expenditure of a lengthened residence in a foreign land, whereas the English candidates for the same service are under no such compulsion. On the other hand in my opinion, a residence in India is far more necessary before taking up a Civil Service appointment.........We should try and strengthen Mr. Paul's hands as much as possible. At the same time it appears to me that the Bill introduced by Mr. Dadabhai Nowroji is to a certain extent against the spirit of the Parliamentary Resolution. I object to the clauses in Mr. Nowroji's Bill that make residence in England compulsory. Residence in England might have its advantages ....(but I) cannot understand........"

The unpublished autobiography of MM. Dr. Ganga nath Jha throws further light on this subject. It is stated that "The Maharaja wanted that a large number of Indians should join the Indian Civil Service. At that time there were no examinations held in India and the few Indians like Ramesh Chandra Dutta, Surendra Nath Banerjea and others had to go to England to study and then to compete at the examination. The age limit at that time was such that I had gone beyond it. But in order to see that the boys did not go astray in England, it was decided that I should be sent there to supervise their work and life. The Maharaja was to bear all the expenses. Somehow or other this plan also did not materialise, the chief reason was that a sufficient number of boys were not forthcoming".

Nor was Maharaja Lakshmishwar Singh's knowledge of public affairs confined to India. He possessed remarkably accurate information with regard to the many intricacies of English party politics and English political life. And some of his private letters to Vindhyanath Jha contain his views as to what should be the attitude of Indian political parties towards English party politics.

"About Balfour and Chaplain, I am sorry, Madan Mohan is such an awfully conceited idiot. We ought not to be bound down by the English party ties. Dadabhai himself I see supports Balfour. Sir Charles Dilke's attitude about Dadabhai's proposed Commission shows what the radicals really think about India. Both the parties only utilize India for party purposes. And we should therefore take the most possible advantage that we can of all such party tactics. It is generally the party in opposition that is in need of subjects for attacking the Government of the time being. And we should manage things in such a way as to get the party committed........to oblige it to take executive or legislative action when they come into power. I, besides, wish to eradicate the impression amongst the minds of Tories that the Indians are always against them, and to make them believe that we are quite ready to support them whenever they look after our interests. They should be persuaded to think that we are grateful to any benefactor. The least that such an impression will do, is to soften their hostile feeling to a certain extent. It cannot do us the least bit of harm. It may do us a little good. It may perhaps pave the way to getting Balfour's support on the Survey question. Work the National Chamber of Commerce carefully and with great circumspection".

The miserable condition of Indians in Natal (South Africa) also attracted the most sympathetic attention of the Maharaja. In 1896 Mahatma Gandhi had published the Green Pamphlet on the conditions existing in South Africa. He held meetings in Bombay, Poona and Madras to mobilise public opinion in the country. He also went to Calcutta with the same end in view. Surendra Nath Banerjea was the first leader whom Gandhiji met in Calcutta in this connection. But Banarjea told him, "I am afraid people will not take interest in your work. As you know our difficulties here are by no means few".[31] Gandhiji had no luck also in the offices of *Amrit Bazar Patrika* and *Bangabasi.* He could not hold any meeting in Calcutta, as he had to hasten his return to South Africa in response to a telegram. In his autobiography Gandhiji refers to have met some Zamindars of Bengal also. But it is not clear if he could have any meeting with Maharaja Lakshmishwar Singh. His letters to the Maharaja, however, show that the powerful influence wielded by the Maharaja on Indian Public opinion was not unknown to him.

The Natal Parliament passed the anti-Indian Bills, imposing a stringent restriction on Indian immigration. Immediately followed a sharp protest from the Maharaja, who published the following letter to the Editor in *The Times* of London :

To

The Editor of Times.

Sir,

May I be permitted to appeal through your columns to the Colonial Secretary, and to the Parliament, the Press, and the people of England on behalf of my fellow countrymen now subject to grievous hardships and difficulties in Natal, South Africa ? The Imperial sympathy for India and Indians had just now been shown with a magnificent generosity by the whole British Nation from her Gracious Majesty the Queen-Empress down to the humblest contributor to the Indian Famine Relief Fund. Those generous sentiments have not been confined to the English people in the United Kingdom; they have been shared by every class of her Majesty's subjects scattered over all parts of the world embracing dominions and not least by the colonists in South Africa. Surely the movement is an auspicious one for a frank appeal both from India and England to the nobler feelings of British Africa especially in Natal.

The objections that have been alleged to exist in Natal against the free and friendly admission of my countrymen to that colony have been proved to be absolutely unfounded, that fact is now admitted by everyone including the Colonial Secretary. And it is now stated that the question is a labour question and not a racial one. But if that be so in truth surely it is obvious that the restrictions sought to be imposed on the admission of Indian labour today may for the same reasons and with equal justice, be imposed on the admission of

English labour to-morrow. There can be no question as to what the policy of the Imperial Government is with regard to this matter. A Government that desires that President Kruger should confer the rights of citizenship upon the foreign subjects of the Transval must at least be equally anxious that British subjects, though they be Indians, should not in a British Colony of Natal be treated as aliens and be subjected to serious difficulties. But no responsible Indian Statesman would dream for a moment of asking for the coercion of Natal by the Imperial Government. And we have sufficient confidence in the good feeling of the British Colonists in Natal to believe that such a course would be entirely unnecessary. But we do ask the Press of the Imperial Government and the Parliament and the Press of the United Kingdom, as representing the whole British people to join us in urgently appealing to the good feeling and to the Imperial instincts of the authorities and the people of Natal. The people of India feel sure that no commemoration of this auspicious year of the Diamond Jubilee of Her Majesty would be more pleasing to the Queen Empress than the adoption by her colonial subjects of such a liberal and friendly policy towards India and Indians as would show that we are all alike proud of being fellow subjects of the greatest Empire the sun shines upon and in the enjoyment of the blessings of equal laws and equal rights under one of the best earthly sovereigns.

Sd/- Lakshmishwar Singh
of Darbhanga.
1, Middleton Street,
March 31.

In his editorial of 4 June 1897 the Editor of the *Bihar Times* thanked the Maharaja for having given "the weight of his name and influence to the cause of the oppressed Indians in Natal". The time was considered to be very opportune, for the Colonial Secretary had invited the several premiers of the Colonies for holding a conference to discuss important colonial questions including the legislations against Indians. He urged that an agitation should be started in India also "to procure a fairer treatment for the Indians in Natal".

Encouraged perhaps by the interest the Maharaja had been taking in the cause of the Indians in Natal. Mahatma Gandhi wrote to him the following letter from Natal on 10 July 1897 :

"I beg to draw your attention to a copy sent to you of the Indian petition[82] to Mr. Chamberlain regarding the anti-Indian Bills of the last session of the Natal Parliament. The Bills have received the Governor's consent and are Acts in operation. The crown has the power to disallow any Acts of the Colonial Legislatures within two years after their passage and it is on the strength of this provision that the petitioners pray for Mr. Chamberlain's intervention.

The Bills in my humble opinion have only to be read in order to be condemned. Comment thereon seems superfluous unless there is a powerful public opinion against the disabilities which are being heaped upon the Indians in Natal. Our days are numbered. Natal beats both the Republics, in its studied persecution of the Indians and it is Natal that can least do without Indians. She *must have* them under indenture. She *would not have* them as free men. It will not improve the Indian, unless we stop this unfair arrangement and stop indentured emigration to Natal, we have but to request you to redouble your efforts on our behalf and we may yet hope to get justice."

Thus it is abundantly clear that Maharaja Lakshmishwar Singh was considered to be one of the very few Indians who carried influence with powerful section of the British public opinion. This had been proved during his agitation against the Cadastral Survey in Bihar. There is also no doubt that Gandhiji was much impressed with the sincere interests that the Maharaja had been taking in the welfare of his countrymen. And as expected the Maharaja's response to his letter was very encouraging. He instructed his office on 12 August 1897 as follows :—

"Thank Mr. Gandhi for all his........papers. Say that I feel deeply obliged to him for his letters and the papers he has been sending to me from time to time.

(2) Ask him to let me know what step he wishes to take for the redress of the grievances of the Indians in Natal and assure him that it always be a most pleasant duty to me to cooperate with him in his laudable endeavours to the best of my ability".

What followed thereafter would be a matter of conjectures only, for we have not been able to discover any other records so far in the Darbhanga Raj Archives or elsewhere.

CHAPTER III

IN THE LEGISLATIVE COUNCIL

A NOMINATED MEMBER OF THE IMPERIAL LEGISLATIVE COUNCIL—BENGAL TENANCY ACT—ILBERT BILL—RECONSTITUTION OF THE LEGISLATIVE COUNCIL AND MAHARAJA'S ELECTION TO THE COUNCIL—INDIAN TARIFF BILL—POLICE ACT AMENDMENT BILL—EPIDEMIC DISEASE BILL—SEDITION BILL—CADASTRAL SURVEY IN BIHAR—MAHARAJA'S COLLEAGUES IN THE COUNCIL.

Maharaja Lakshmishwar Singh was only twenty five years old when he was nominated as a member of the Governor-General's Legislative Council in 1883. The question of the relationship between zamindars and ryots in Bengal had been a subject of agitation and discussion since 1872. But the more urgent and pressing problems of relief and rehabilitation in connection with the famine of 1873-74 threw it in the background for the time being.[1] The Famine Commission's Report, however, brought the question once again to the fore. It dwelt strongly on the necessity of placing the relations of landlords and tenants on a surer basis. Accordingly a Bill to amend the Rent Law was introduced into the Council in 1883, which subsequently became famous as the Bengal Tenancy Act. The Bill was referred to a Select Committee on 12 March 1883, and it was on this day that Maharaja Lakshmishwar Singh took his seat in the Council for the first time. He was also made a member of the Select Committee. Thus the backgroundni which Maharaja Lakshmishwar Singh was nominated to the Council makes it clear that he was expected to present the case of the zamindars there. Besides being the premier zamindar of Bihar, the Maharaja had the necessary English education which made him eminently fit for the job. He was a forceful speaker too.

But the Maharaja's job in the Council was by no means easy. He was called upon to defend the unpopular cause of the Bihar zamindars. To add to his discomfiture he found himself ranged in the Council against S. C. Bayley, the official in charge of the Bill, to whom he looked with almost paternal reverence. Nevertheless, he put up a very strenuous fight and contested so to say every inch of ground with the Government spokesman, a fight which brought him "into great prominence in Bengal and Bihar, at the time".[2]

The full text of Maharaja Lakshmishwar Singh's speeches, on the Tenancy Bill, in the Council will be found at a later place. But here we may quote some extracts from the late Dr. A. P. Jha's beautiful analysis of Maharaja Lakshmishwar Singh's stand in respect of the Bill.[3]

"To appreciate clearly the nature of Lakshmishwar Singh's opposition to the Tenancy Bill, it has to be borne in mind that the Bill threatened to explode two very potent myths upon which the entire edifice of the zamindary system had grown up in Bengal. These myths were, (1) that the zamindars were the natural leaders of society and (2) that the doctrine of *laissez faire* should govern all spheres of economic relationship, whether agrarian or commercial. These myths were fast exploding in western Europe and in no distant future they must die out even in India. But by the generation of Indian liberals to which Lakshmishwar Singh belonged, these myths were still held with great tenacity as was clearly shown by the support given by many national leaders of the time to the proposal for extension of the zamindari settlement to the whole of India and their opposition to the factory legislations of 1881 and 1891. Their zeal for *laissez faire* was matched only by their abhorrence of the bureaucracy. Lakshmishwar Singh shared all these beliefs in an abundant degree.[3A] Giving out his chief reason for opposing the Tenancy Bill he told the Council on 12 March 1883 that 'as far as Bihar is concerned, no change in the present law is needed, neither the ryots nor the zamindars have asked for a change, and that in itself is a sufficient proof that no change is needed'.

The opposition of the Maharaja, both inside and outside the Council, succeeded in getting some of the more radical provisions of the Bill modified in favour of the zamindars. But the Maharaja was obviously not satisfied. On the last date of the debate on the Bill when it was finally passed into the Act the Maharaja observed in the Council on 11 March 1885, 'I yield to none in my desire to see the raiyats protected from oppression, but it is my deliberate opinion that this Bill will not accomplish this object. On the contrary, I believe the legislative safeguard which you have provided, the constant intervention of Revenue officers in all details of agrarian life, will lead to the most widespread confusion, and will be disastrous to the raiyats as to the zamindars themselves'. He could not understand how the members of an exclusive and despotic official class representing a foreign government could be the better protectors of the people than the Indian zamindars who were after all their own men; the natural leaders of society from generations.

The Bengal Tenancy Act of 1885 was received by the Bihar zamindars with a sullen and impotant rage, though the Commissioner of Patna reported on 27 June 1885 that their feelings—did not approach *'in any degree to disaffection'*. About Lakshmishwar Singh's own conduct as zamindar, the Commissioner added in the same report, *'He is unquestionably a landlord with the best of intentions'*. As to how his conduct during the Tenancy Bill controversy was viewed by his brother zamindars, a Memorial of the Bihar Landholders Association of 4 September 1884 to the Viceroy stated that *"but for His Highness, Bihar would not have been so ably represented in this all-important affair"*.

If the role of Maharaja Lakshmishwar Singh in respect of the Bengal Tenancy Bill won for him the gratitude of the fellow zamindars his fearless stand with regard to the Ilbert Bill brought him closer to the educated Indians who were chaffing under the national humiliation caused by the British rule. The Ilbert Bill (1884) which sought to enable Indian Magistrates and Session Judges to punish European offenders led to a bitter controversy among the European and Eurasian communities in India. Henry Cotton writes; "A public meeting of protest by the European community was held at the Town Hall in Calcutta; members of the Bar abandoned the noble traditions of their profession, and speakers and audience, frenzied with excitement, were lost to all sense of moderation and propriety. The Viceroy was personally insulted at the gates of Government House. A gathering of tea-planters assembled and hooted him at a railway station as he was returning from Darjiling. The non-official community almost to a man boycotted the entertainment at Government House".[4] There was a conspiracy to deport him to England.

It naturally needed not only a deep conviction but also an indomitable courage to assert equality of his countrymen with the Europeans before the eyes of law. The original Bill, according to the Maharaja, was intended to do away with race-distinction altogether. But in the Select Committee it had been so modified "as to give every European the right of trial by Jury in almost every case". He therefore moved an amendment to the Bill "that in all sessions cases the Natives of India should have this privilege" of trial by Jury. The boldness and constructive statesmanship displayed by the Maharaja endeared him to all advanced political thinkers in India.[5] Henceforth there was hardly a question of any political importance in India with which the Maharaja was not intimately associated.

In 1885 Maharaja Lakshmishwar Singh's term in the Council expired. He was not renominated to the Council. The Congress agitation for the reconstitution of the Legislative Council on representative principle yielded some results in 1892-93. According to the new Council reforms the number of non-official members was

Maharaja Lakshmishwar Singh
(in a warrior dress)

increased both in the Imperial and Provincial Legislative Councils. Provision was made for the first time for the appointment of a number of non-official members after some form of election though such an election was to be called only recommendations. The District Boards, Municipalities, Universities, etc. already constituted on elective principles, were to elect non-official members for the Provincial Legislative Council, and these non-Official members on their part were to elect non-official members for the Supreme Legislative Council. At the same time the powers and functions of the Legislative Councils were also enlarged by conceding to them the right of interpellation and discussion of budgets.

On the introduction of the new reforms Maharaja Lakshmishwar Singh was elected to the Bengal Legislative Council in May 1893 by the District Board of Patna Division after defeating Syed Sarfuddin, who later became the first Bihari Judge of the Calcutta High Court. His election to the Council was perhaps not liked by the Lieutenant Governor A. P. Mac Donnell, with whom the Maharaja was once again interlocked in a bitter public controversy on the question of holding cadastral surveys in Bihar. On 17 May 1893 the following telegram was sent to the Maharaja : "The Lieutenant Governor has heard with satisfaction that you have been elected by the District Boards of Patna Division as their representative on the Bengal Council, and His Honour will gladly welcome you as a member. At the same time, the Lieutenant Governor has been informed that your health and avocations would preclude you from accepting the appointment".[6] And the Maharaja's reply was equally sharp. It stated, "I feel very grateful to the Lieutenant Governor for his very kind telegram. I feel bound to accept the appointment after being elected, and to work as long as I am able".[7] Times showed that he lived up to his profession. According to the new rules the non-official members of the Bengal Legislative Council were to choose one member for the Supreme Legislative Council and they elected Maharaja Lakshmishwar Singh thrice to this post—first in August 1893, then in 1895 and again in 1897. His unanimous election to the Supreme Legislative Council as the first elected member of politically the most advanced presidency shows the immense popularity the Maharaja enjoyed among his countrymen. His performances as a nominated member of the Supreme Legislative Council and his generous help to the Indian National Congress might have helped him in his election. But his letters to his private Secretary Vindhyanath Jha show that he was a very shrewd politician, well-versed in electioneering. He had a peculiar grasp of the situation and could well judge the merits of an individual.

Received per Mangal Singh
on 3rd July 1893 at 3 P. M.

My dear Vindhyanath Babu,

I have but little business transaction with Bonnerjee. So it is difficult to form an opinion about his promise. You have better therefore try to get him to write a letter asking me to stand for election. You can easily do this on the plea that in as much as you have not seen the people I wished you to do; you wish to have some written proofs of the reasons for your disobeying orders. If Bonnerjee does this all right and good. If not, you must begin to work quite independently of him. Even now I do not see the way in which he can help us with officials and the nominated members. In fact for men like Risley and Paul, Bonnerjee is perfectly useless. For Fazli Imam I will have to work through Patna people, Gidhore will have to be worked through Shib Chander. And with the other Bengali members I am not at all sure whether Bonnerjee's influence is all paramount, you had better consult Ram Babu as well, and if necessary Saligram. For Serazul Islam Bonnerjee may perhaps be unsuccessful. If so, Yoosoof might be of very great use. Lalmohan is a man who should be consulted, confidentially. I trust him almost implicitly. I have known him for a very long time and he is under deep debt of obligations to me. You might tell him that I specially wish him to advise as I feel sure he would give me the best and the most disinterested advice. As regards Bonnerjee's letter, I think this must be got out of him somehow. I wish him to be committed in writing. At the same time it would not do to make it too public. A Congress nominee is by no means a *persona grata* with official clique. Womesh I suppose we are pretty sure of. About the Chamber of Commerce member Clark would be the best man. Go & call on him and if possible try to talk him over in such a way as to make him first of all suggest my standing for the Council. You might casually (in case first you do not get him to suggest it spontaneously) mention about the hardships of the Cadastral Survey and the superme importance of having a good zamindar like myself in the Supereme Council. You might dilate on the fact that though the Chamber of Commerce has a representative, our community has none. You might then go out of your way that the Maharaja is sure to stand if he knows you think it advisable; so please write him a letter. Don't let him suspect that I am in the least bit over anxious.

Send me a list of all the members of the Bengal Council at once. I will try to think over the best way of getting them to our side.

Yours very sincerely
Sd-/ Lakshmishwar Singh

My dear Vindhyanath Babu,

The best way in my opinion to get Bonnerjee to commit himself without offending him would in my opinion be the following :—

About the Congress-wallas he has given you his word. So get him to have a confidential meeting of the Congress Members to discuss the best way to get over the nominated members and officials. To this he cannot object. He cannot then do anything in the way of backing out. Try to get me a copy of the election. I have already given most............ In Miller we have a first class adviser; and if my expectations about Bonnerjee are correct you will in him get perhaps quite as good an adviser. It is impossible for me to direct you on every single point, I trust to your energy and tact. Some of the men you employ may be insincere but if useful you cannot but use them. We must work with the materials in hand and try to make the best use of them.

Yours very sincerely
Sd/- Lakshmishwar Singh,

Extract from another undated letter from the Maharaja:-

" In speaking to L. Ghosh you need not mention anything about doubting Bonnerjee. (My own idea is that

Miller is wrong in his estimation of Bonnerjee). You might simply say to Ghose that though Bonnerjee advises you not to do it, still you are not sure whether people won't get offended by your not consulting them. Tell him that the reason why you consult him is because you know that I have a very great respect for him. If Bonnerjee gives you a letter show it to Miller and let me have his opinion about working the non-Congresswallas. I will myself see about Fazlay Imam. And about Gidhour wait till Bonnerjee has written his letter. You can work him through Shibchandar and Suryanarain".

But in the next term the Maharaja perhaps had not to manoeuvre much for his election to the Supreme Legislative Council. There is not a single letter on the subject in the Vindhyanath Jha papers. On the contrary it is found that when the question was raised in 1895 by some of the contemporary newspapers, specially *The Pioneer*, *whither Zamindars should be elected to the Council*, *The Bengalee* strongly refuted the charges against the zamindars of weakness and lack of independence, in its issue of 4 May 1895. The paper specially cited the example of the Maharaja of Darbhanga and the Maharaja of Natore. It stated, "of the Maharaja of Darbhanga it may truly be said that he never minced words when he had to attack the policy of the Government and his commanding position among the zamindars of the Province gave, additional emphasis to all that he said. If the same thing had been said by a lawyer representative, however able and eminent, the impression would have been different. Here was a man, the representative of his class, speaking in language of indignant protest against a measure which vitally affected the Zamindari interest. Who had a better right to speak—who could speak with greater knowledge and weight of personal authority ? The sense of personal wrong added to the impressiveness of his utterances. No body could have spoken more effectively upon the Cadastral Survey. The Maharaja condemned in scathing language the meddlesome and mischievous philanthropy of the Government".

According to *The Bengalee* it was the mischievous game of *The Pioneer* to create feelings between the Indian National Congress and the zamindars. *The Pioneer's* hostility towards the Congress movement was not secret and it knew very well that some of the zamindars were its great supporters. On 8 June 1895 *The Bengalee* stated, again editorially, that it was "maliciously false to say that the Congress desires to exclude the zamindars from their due share of representation in the Council. The utterances of one or two Congress organs are not to be confounded with the voice of the great national gathering. The Congress had for the last ten years urged the extension of the Permanent Settlement and by a recent Resolution passed at Madras it declared that the Permanent Settlement has been interfered with by the Cadastral Survey. Such a body would welcome the Zamindars into the Council and would give to each community its due share in the Council of the nation".

The unanimous election of Maharaja Lakshmishwar Singh to the Supreme Ligislative Council for the second and third terms only proved the hollowness of *The Pioneer's* contention.

In the Supreme Legislative Council Maharaja Lakshmishwar Singh acted as a true representative of his countrymen. He examined all the Bills from a strictly nationalist view point. His masterly speeches on the Cotton Duties Bill, the Police Act Amendment Bill, the Sedition Bill, the Epidemic Diseases Bill amply prove his capacity for parliamentary debate. Unfortunately he kept a very indifferent health during the last ten years of his life. Often he was so ill that it was with much difficulty that he could walk up to the steps to to the Council room. But his regard for the country's interest dragged him to the Council on important occasions even in that state of health. *The Power and Guardian* gives the following account of the sincere interest that the Maharaja used to take in the Council work: "On some occasions the Council sat very late 6 or 7 P. M. Other members-European or Native took refreshment during the tiffin time, but Darbhanga never. He would continue to sit in the Council occupied in devising or writing his replies. Now and then a Native colleague would disturb him by offering conventional compliments, but to the looker on it was apparent that the Maharajah's heart was in his work and that he rather disliked such intrusions however effusive they might be. Last cold weather he was continually ailing. He delivered some magnificent speeches on the Sedition Bill. He was physically incapable of reading out the very long speeches. He begged that Mr. Macpherson, the Legislative Secretary, would kindly read out the manuscript for him. This request was not complied with. Sir James Westland objected on the ground that the rules of the Council provided for reading by the Legislative Secretary of the speeches of such hon'ble members only as were ignorant of English".[8]

The Indian Tariff Duty Bill of 1894 caused much furore in the Legislative Council. The Government of India was faced with a deficit of 3½ crores of rupees, and the Bill proposed to impose import duty on iron, coal, and other articles to make it up. While most of these articles were necessary for the manufacture of cloth in India, cotton piece goods and yarns were exempted from payment of duty. Protesting against the Bill vigorously, the Maharaja remarked, "the imposition on the taxpayers of India of a vast system of import-duties, with the sole exemption of cotton goods seems to me very much to resemble a performance of the play of Hamlet from which the part of Hamlet himself is altogether omitted. When import duties have been talked about, whether in the Herschell Committee or elsewhere, as a possible means of relief from our financial difficulties, it is absolutely undeniable that what has been meant primarily is an import duty on cotton goods". With bitter sarcasm he pointed out that the duty on the import of various raw and partly manufactured articles necessary for the Indian cotton mills had no other object in view than the protection of Lancashire Cotton industry against the competition of Indian cloth. As he said, "It is unnecessary to point out, that this is a protective duty—protecting the mills of England against our own mills". Thus he expressed his solicitude for the interest of the Swadeshi cloth eleven years before the rise of the Swadeshi movement in the wake of partition of

Bengal.[9] Likewise he condemned import duty on certain metals like brass, copper etc. which was bound to affect "our indigenous metal industry", and to make metal utensils, tools and agricultural implements used by the labouring masses of the Indian population dearer.

In 1895 a Bill was introduced to amend the Police Act of 1861. The immediate cause for its introduction was the outbreak of communal riots in several places in India. Maharaja Lakshmishwar Singh was also a member of the Select Committee constituted for the purpose. The Bill proposed to levy a punitive tax on persons whose conduct in the opinion of the authorities rendered the employment of additional force necessary. It proposed to give wide discretionary power to the Civil authorities. Maharaja Lakshmishwar Singh strongly opposed the Bill in a vigorous and outspoken speech quoting in the course of his remarks from the reports furnished to the Bengal Government by District Officers of such experience and sound judgment as Forbes, the Commissioner of Patna, D. J. Macpherson of Gaya, Allen of Midnapur and Vincent of Burdwan. All these officers had pointed out the unwisdom of placing so wide a discretionary power in the hands of the Executive, and the probability of such power being exercised thoughtlessly and even unjustly. He feared that it would rather lead to the deterioration of the communal situation. He argued: "The apportionment of cost (of an additional police force) on a particular section, be they Hindus or be they Muhammadans, I care not which, can only result in renewed embitterment between the two factions. The feud will be perpetrated, and a most unfortunate impression will be created that the head of the district is in sympathy with one faction to the exclusion and detriment of the other. Nor will its effects be less harmful in the case of agrarian disturbance. The Magistrate by abandoning his attitude of impartiality, as he must needs abandon it if he elects to differentiate between the various classes, will let loose the very torrent of litigation and unrest which it is his duty to allay".

Maharaja Lakshmishwar Singh made an able speech in connection with the Epidemic Disease Bill also, which sought to prevent the spread of the Plague. He deplored the delay that had taken place in introducing the Bill, but at the sametime, having regard to the gravity of the situation, he declined to take the responsibility of moving for the postponement of the consideration of the measure. He regretted that the Calcutta Municipality had not been consulted, and pointed out that as the Bill affected the domestic habits of the people there were people with strict religious views who might raise difficulties in the way of the working of the measure. Discussions would have allayed the spirit of opposition. The Maharaja hoped that people would cooperate with the Government in giving effect to the measure, "if the officers of the Government can bring home to their minds that the precautions which are taken are necessary to safeguard them against the visitation of one of the most dreadful scourges that have ever affected the human race". But nothing should be done in an arbitrary and high handed fashion. Time only showed that the apprehensions of the Maharaja were not unfounded. The murder of Rand and Ayerst was a great pointer in this regard.

But the speech of Maharaja Lakshmishwar Singh in the Council in 1898 on the amendment of the Indian Penal Code regarding sedition, has rightly been regarded by some historians as "one of the most significant contributions of the Maharajah to the growth of nationalism in India".[10] The Maharaja moved an amendment to omit from the Bill the words "brings or attempts to bring into hatred or contempt............". According to the Maharaja, Sir James Stephen had provided good safeguard, while enacting the Sedition Law of 1870, by making criminal intent and incitement to force as essential ingredients of sedition. But the proposed Bill sought to do away with all these. As the Maharaja observed: "You have to produce only an unfriendly feeling against Government, however mild it may be, and you make yourself liable to be transported for life or at the very least imprisoned with hard labour". By the proposed Bill the burden of proving innocence was thrown on the prosecuted. Such a procedure, the Maharaja pointed out, was against all rules. And it had naturally excited an exceptionally strong public opinion to which the Maharaja drew the pointed attention of the members. He said, "I think that it would be hardly possible to name any occasion upon which a legislative measure had met with so little approval and so much unfavourable criticism from the public. The advocates of the Calcutta Bar, the merchants of Calcutta as represented by the Chamber of Commerce, the large body of Europeans and Eurasians in the metropolis as represented by the European and Anglo-Indian Defence Association, the British Indian Association, the great body of educated Native opinion in the Bombay Presidency as voiced by the Poona Sarvajanik Sabha and the Presidency Association, the inhabitants of Madras, the Indian National Congress, composed of representatives from all parts of India-these form in themselves a sufficiently formidable body of opposition".

P. Anand Charlu, another member of the Supreme Legislative Council and an ex-President of the Indian National Congress, strongly supported the amendment moved by the Maharaja and said, "after the copious remarks contained in the Maharaja's excellent and exhaustive speech, I have little to add."

It was not only inside the Council that Maharaja Lakshmishwar Singh could ably plead a cause. He was equally forceful in agitating for it through the press and platforms. Occasions came when he had to resort to these vehicles of public opinion. The official majority in the Council often negatived sensible amendments to Bills moved by the non-official members, which, in particular, affected the relationship of zamindars and ryots. The Maharaja could wield his facile pen in writing articles for the Press on different subjects and drafting memorials on behalf of associations. He organised a series of protest meetings severally and under joint auspices of the associations and exercised his good offices in bringing people of different shades of opinion to his views. The Cadastral Survey in Bihar witnessed a fair play of all these qualities of the Maharaja.

The Cadastral Survey was a burning question throughout Bihar during the ninetees of the 19th century. The avowed object of the Survey was to provide all persons interested in land with an accurate record of their rights.[11] The work had been undertaken in 1891 in pursuance of the Bengal Tenancy Act of 1885. The zamindars objected to the rules demanding the expenses over the survey to be shared by the zamindar and ryots. Their contention was that neither the zamindars nor the ryots had applied for the survey. In other parts of India, including the permanently settled districts of the north-western Provinces, the entire expense of such a survey had been borne by the Government. But in Bihar the Government had decided to bear only one-eighth of the cost. As the survey had been ordered by the Government and was required for administrative purposes the zamindars and ryots ought to be exempted from it.

But a more objectionable feature of the survey for the zamindars was the employment of *Patwaris* for the work. As a body the *Patwaris* even in the opinion of the Lieutenant Governor Charles Elliot, was thoroughly corrupt.[12] They were in most cases responsible for the strained relationship between zamindars and ryots. The anomalous position of the patwaris as quasi-government servant paid by the zamindars made the situation worse. The only ray of hope for them was the assurance of the Government that they would cease to be retained as government servants. But now these same patwaris were proposed to be retained as government servants to enter in the survey map and record any changes which might have taken place in village holdings.

From the private letters of Maharaja Lakshmishwar Singh we get a clear picture of the agitation started by him on the occasion. He got not only the several zamindars organizations like the Bihar Landholders Association, the British Indian Association....... etc. to join the issue but also the Indian Association which claimed to be the association of the ryots. He won over Surendranath Banerjea and Anand Mohan Bose and thus got the Indian Association committed. The great national organisation, the Indian National Congress, also passed Resolutions declaring the Cadastral survey as an unnecessary interference with the Permanent Settlement and a "mischievous philanthropy of the government".

Extract from his letter dated 6-12-1891 :—

"The British Indian Association has been stirred up. They are going to hold a meeting on Saturday next. Surendro has promised his support .... and few other radicals. I have not as yet seen Miller, nor have I as yet been able to do anything about the proposed Association beyond writing a letter to the Maharaja of Hathwa. You must have seen my circular letter to all the zamindars in the office. I am not going to do anything in public till I receive the answers to all the letters. Before starting the Association, I wish to be sure of getting an annual income of at least 6000 rupees and 200 subscribers".

Extract from his letter of September 1893 :—

"We are thinking of holding two meetings next season against the survey, one at Sonepore and the other at Calcutta. The Sonepore meeting can easily be arranged. It is only a question of .... The other and more difficult one will be the Calcutta business. Please begin to work at it at once. We ought to get men of all classes to join us and as many Europeans as .... Irvin and Cregson as well as Abbott ought to be confidentially consulted. You might also consult Clarke, but of course he ought to be talked rather cautiously................Playfair might also be got round. You should also interview........ They will get Marwaries and Burrabazzar people, Surendro will get young Bengal".

Extracts from an undated letter of the Maharaja :—

"I am very anxious to get the Indian Association to join hands with us. Surendro himself is fully committed but his Association has not yet committed itself. He personally does not for obvious reasons wish to bring up the matter before the Association. He is afraid of being accused or suspected of bribery. He thought that it would be better to get a Bihari to do it. Saligram promised to do it last year but has as yet done absolutely nothing, nor do I think he will do anything. *You must therefore try to get the Association committed.* If no other means are possible you can get yourself elected as a member and bring it forward. The Association is, I believe, divided into two cliques. One that is led by Surendro is the stronger but the other led by, I believe Anand Mohan Bose, is by no means weak. The president of the Association Raja Rajendra Narain Deb is the grandson of Raja Radhakant Deb. He is an old hereditary friend and has much affection for my uncle. In him yon will find a most useful ally.

My presence in Patna and Muzaffarpur was absolutely necessary. If it has not been for me, a great number of the zamindars would have committed themselves to some most flagrant absurdities by signing Hudson's memorial and the address drafted by that traitor, Ramdhary.[18] I sent Babuji but at once decided that he could not do anything without me, so I had to go".

Extracts from his letter of September 1893 :—

"Stir up Miller about drafting a memorial against the Qanongo scheme. Also see that the Indian Association submits a similar memorial.

Surendro is mistaken about my sending the petition. Evidently he does not know that the Bill has already been published in the Gazette amongst the proceedings of the survey. Explain this to him and whip him into sending memorial. Whip up Young Beel also. We should not this time be bothered by any technicalities into losing valuable time. I have sent an answer to Elliot's letter to the Times. I had no other alternative. The accuracy of my facts had been questioned, and I was bound to reply".

Extracts from his letter dated——September 1893 :—

"We have arranged or at least think that we have arranged for a series of Ryots meetings. I wish to send up one big joint memorial. But I wish to precede it by a number of short, separate and joint memorials from both parties. Will you kindly see about having a number of such memorials drafted. Some should take up the purely ryotwary view i. e. about cesses and harassments by Amins. Some should have the purely zamindari standpoint. Some should make a special attack on Mac Donnell's Yearly Survey scheme and Putwary under the changed name of Qanongo. And some should be so drafted as to be signed by both parties.

Please look up sections 54 and 55 Reg. 8 of 1795. You will from that see that Lord Cornwallis was distinctly against the levying of any cess. It does not make the least difference whether the cess goes to the pocket of the Government or the Malik. Coates tells me that Jackson told (him) that even under the Tenancy Act no survey tax can be levied. Will you consult him on this point?"

Extracts from an undated letter of the Maharaja :—

"I wish to get a joint memorial of the ryots and zamindars. Consult Mac Cregor about it diplomatically. Also inform him about the conversion of Surendro to our views on account of the taxation. We can now safely say that the ryots have joined hands with us.

Shambha Chander has much influence with the Government of India and the Private Secretary's office I know of a case where a letter from him upset all the arrangement of the Bengal Government. He is a regular Government spy and I believe he is paid for it, and his confidential communications have very great weight with the viceroy. Get him to write a letter to Ardagh saying that there is very strong feeting against the Survey amongst both the zamindars and ryots owing to the rapacity of the Amins. This feeling moreover is increasing daily, and it is not advisable to disturb the political feelings of the people of Bihar at this time, such an act would only intensify the religious feelings. Make Shambha write a really strong and temperate letter of "disinterested advice". No one knows this how to do better than he does. But see that the letter is really posted. If possible post it yourself and satisfy yourself about the contents".

Extracts from Maharaja's letter dated 8. 8. 1895 :—

"We are today going to present an address to the L. G. The Bihar Landholders Association at Bankipore refused him an address. But some of our fools like Ramdhary had already written to the Collector of this place saying that they wished to present an address. Luckily I came here just in time and made them change their address. Instead of entering in a long rigmarole about his past career and future prospects Babuji and I have in a way changed the address to a memorial against his and Elliott's policy. We do not enter into any details. We simply object to the survey and especially to fresh taxation, and we also put in a para about the extension of Jury system. We have I think left no loopholes for attack. Bell and some others are rather against the wording of the memorial. However we can't afford to be too polite to an enemy like Mac Donnell who is prepared to take every mean advantage.

I also propose to hold a meeting today and pass resolutions against both the survey and the Putwary's scheme and telegraph the proceedings to England. We wish the Secretary of State to know distinctly that we are entirely against Mac Donnell's preposals. We also propose to hold similar meetings in as many of the North Gangetic districts as we can.

I wish you to see as many of the Press people as you can and get them really understand our objections to both the survey and the Putwary. If possible get them to write as strongly as they can against A. P. 's Kanoongoes scheme, and his attempt to bring in his discredited Putwary Bill in a surreptitious and underhand way, by changing the title of the Bill. Get the Mirror and the papers of that class to attack him as strongly as possible. For some reason best known to himself he seems most anxious to gain popularity with the

Bengalis and their papers. And it would therefore be a great thing if you could get those very papers to write against him. They have, I see been lately praising him up to the skies for his "liberal views". Get them to write a series of articles against him saying that they are thoroughly disappointed with him as his first proposal is such a very obnoxious one, that they did not expect that he of all people would propose fresh taxation, and his policy clearly shows that "Jack in office is a very different person to Jack out of office". Such articles cannot possibly do us any harm, but on the other hand it is sure to annoy our popularity seeking friend".

The net result of the controversy was that Bihar was protected from the utilization of the *Patwaris* in the maintenance of the record of rights.

In some of his letters the Maharaja has incidentally referred to the performances of his colleagues in the Council. Thus he wrote about the Congress members in the reformed Council of 1893.

"From all enquiries that I have been making here and from what I have seen since I have been here, I am sorry to say, that the Congress movement is very much cooled down. No enthusiasm exists amongst its followers. Miller is too ill and cannot work. Bonnerji, they say, wishes to withdraw now that he has gained his object.... increased practice and a seat in the Bengal Council. His sudden coolness this year is attracting much adverse criticism. Mehta seems to be as enthusiastic as ever. His self-sacrifice in leaving his practice at Bombay is most laudable. The more I see of the man, the more I admire him. Chitnavis from the Central Provinces appears also to me to be very shrewd and determined though a silent worker. With the exception of the (Maharaja Partab Narain Singh) of Ajudhia all the elected members appear to be what they ought to be,. But even he, somehow, manages to get up a series of good speeches and always votes solid. So on the whole I am satisfied with the reformed section of the native Council."

Again in another letter the Maharaja wrote: "We are having an exciting time of it in the Supreme Council. We are going to have two or three interesting meetings this session. Evans is growing more independent. His toadyism, I am told, told on his practice. So he finds now independence more paying. Mehta too speaks out like man. But after Evans, his speeches lose their effect. Whatever people may say about it........These two people. I did not know till the other day what a good speaker we have in Evans. He grew quite eloquent. His heart was in his speech. The voice no doubt was weak as compared to Mehta's but it was quite good enough for the Council Room. Playfair's speech was the best as regards sound common sense and incontestable logic. I am glad you liked my speech. I only tried to show that the remedy for the present troubles lies in reduction of expenditure of taxes".[14]

About Maharaja Lakshmishwar Singh's own performance *The Bihar Times* made the following observation in its obituary comments on the Maharaja in its issue of 23 December 1898; "Throughout his whole public, political career in the Bengal and Imperial Legislative Councils, extending over nearly the whole period of his adult life, numerous instances will be found in which his powerful advocacy was exerted, and exerted successfully on behalf of his people; he acted as the people's messenger to the Government and the Government's interpreter to them; and equally enjoying the confidence of both, he not unoften succeeded in smoothing down matters when clashing interests threatened to produce a crisis".

Another contemporary newspaper, *The Power And Guardian*, stated that "in the Viceregal Legislative Council he (the Maharaja) had been able to hold his own against any adversary—be he Mr. James, the wildman from the sands of Sindh, or Sir Griffith Evans, the "Life Members of the Viceregal Legislative Council".[15]

But a more eloquent tribute was paid by Ramesh Chandra Dutta who had worked with the Maharaja in the Bengal Legislative Council for some years. He wrote, "Educated by English teachers he spoke that language perfectly, and those who have heard him voice the opinions of his countrymen in the Bengal Legislative Council or in the Legislative Council of the Viceroy, have been struck alike by his manly and straightforward eloquence, his loyalty to the British Government, and his unalterable determination to be true to his country and his countrymen. There has been back sliding among other leading men in Bengal; there has been abandonment of the public interest for private or Class interest; there has been betrayal of the Country's cause for selfish motives. But the Maharaja of Darbhanga's record is spotless, his honour and fame have been above suspicion. He has remained true to his country when other men turned their backs or changed their coats; he remained true to his honour when others withdrew and fled".[16]

CHAPTER IV

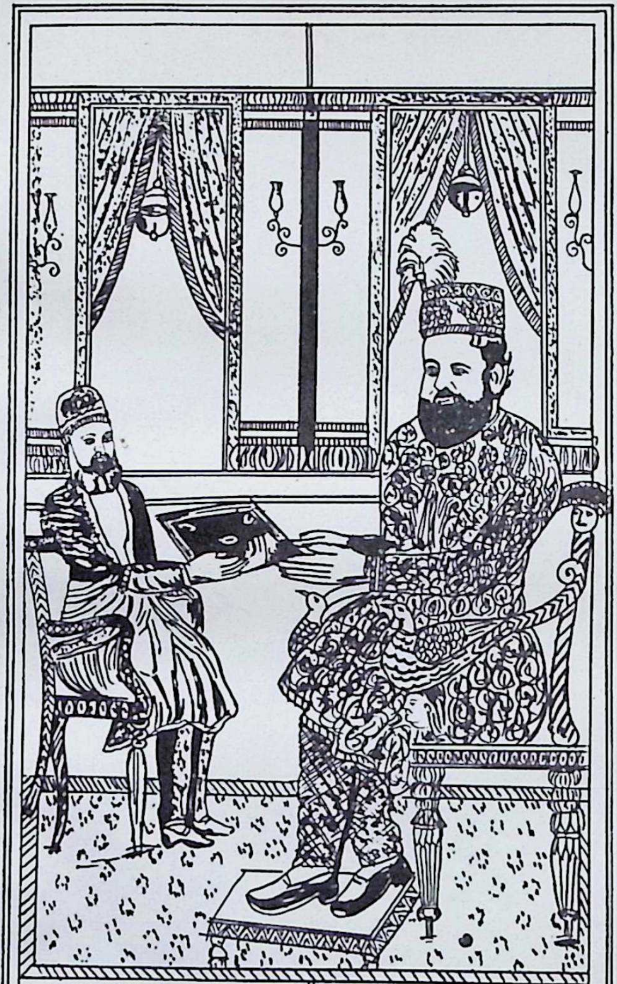
AN ENLIGHTENED ZAMINDAR

A PROMISING YOUNG ZAMINDAR—ADMINISTRATION OF DARBHANGA ESTATE—MEASURES FOR AMELIORATING THE CONDITION OF RYOTS—IRRIGATION, HOSPITALS AND SCHOOLS—PROPOSED CLOTH MILL AT DARBHANGA

Commenting on the Ward's Administration Report on Darbhanga Raj for the year 1876-77 H. L. Dampier, Member of the Board of Revenue, Lower Provinces, made the following observation regarding the minor Maharaja Lakshmishwar Singh: "It will indeed be a great disappointment if the result does not show that in this instance education under the Court of Wards has succeeded in producing an example for the noblemen of Begal and Bihar and a landlord who is both able and anxious to manage with honour to himself the fine estate which he inherits". Indeed, the education and practical training of estate management that the Maharaja had received made him eminently fit for the heavy responsibility that was to fall upon him shortly. Even before he attained majority he was given the charge of some circles of his estate which afforded him opportunities to come into direct contact with his ryots. He was reported to have carefully and patiently enquired into their grievances. He had also shown the keenest interest in the welfare of his ryots. The survey of his estate had been undertaken at his special request.[1] The Lieutenant Governor Sir Ashley Eden, who knew him personally, believed that he would prove himself, to be an upright and benevolent landlord, strongly impressed with a desire to improve the condition of the poorer classes residing on his estate.[2] He was expected to set an example for the fellow-zamindars in Bihar, and to use his influence with them to bring about necessary reforms in their respective estates. The zamindars of Bihar, on their part, entertained very high hopes from the Maharaja, and they demonstrated their confidence in him by electing him as a president of the Bihar Landholders Association on the very next day of the Maharaja attaining majority. In reply to his felicitations by the Bihar Landholders Association on 26 September 1879, the Maharaja made the following statement which gives an inkling of his mind regarding the zamindar-ryot relations : "While acknowledging my debt of gratitude to the Government for the kind and careful way in which they have looked after the management of my estate for last 19 years I feel deeply conscious of the responsibilities which my present altered situation lays upon me. At such a time your good will and sympathy is particularly encouraging. Although I am at present quite unworthy of the good things which you have been pleased to say about me still it will be my chief aim in life to do all that I can to improve the relation existing between the landlord and tenant.

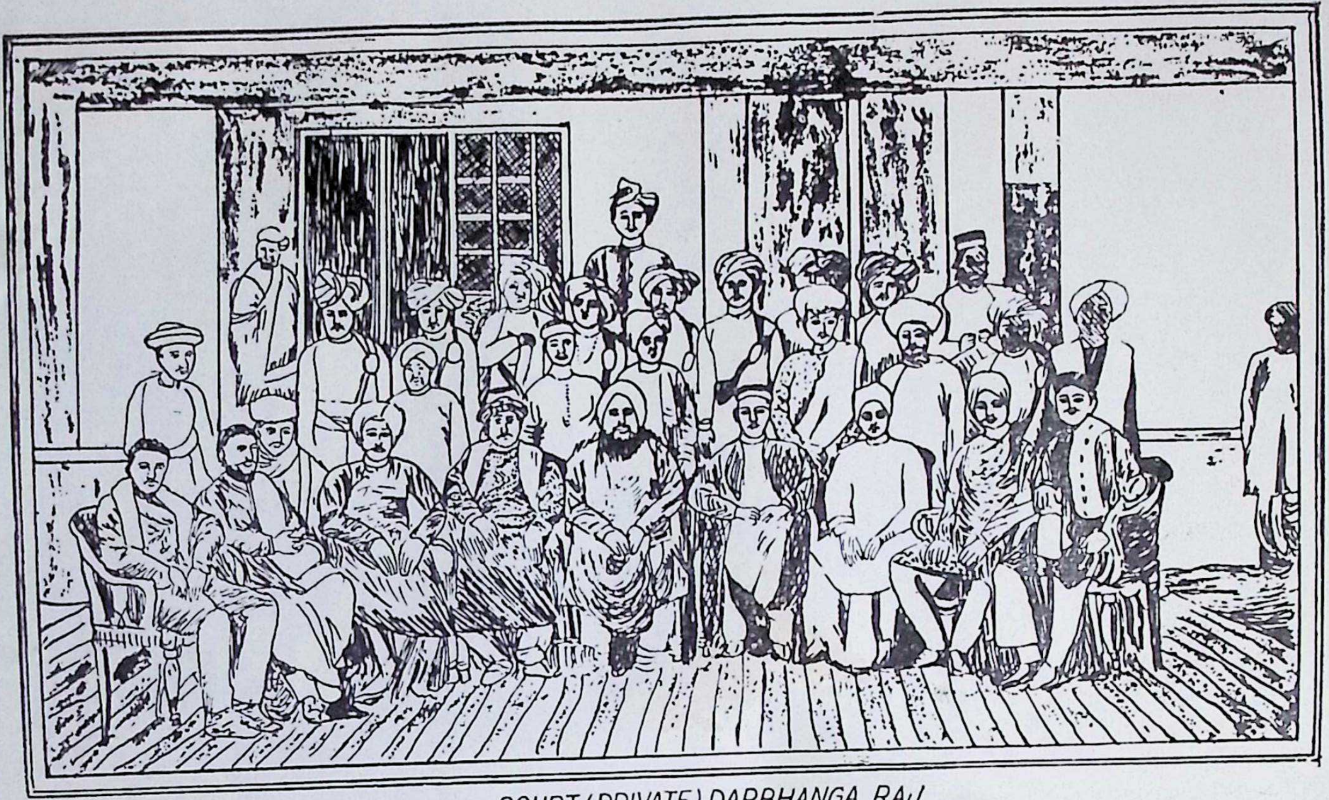
I can assure you gentlemen, that while I am fully satisfied of the necessity of raising the status of the agriculturists from whom all of us derive so large a portion of our revenues, yet I feel convinced that the interests of both landlord and tenants are so intermixed that what is for the security for both is the best guarantee of a good and permanent understanding. I know of no matter more deserving my best attention than the good of my tenantry and I sincerely hope to carry out the teachings of my youth that while the Ryots support the zamindar, the zamindar must strive for the good of his tenantry".[3]

The Darbhanga estate then comprised an area of about 2466 Sq. miles situated in the districts of Darbhanga, Muzaffarpur, Bhagalpur, Monghyr and Purnea. The estate owned houses in Patna, Varanashi and Darjeeling. At the time of the surrender of the estate to Maharaja Lakshmishwar Singh by the Ward's administration the gross rental was Rs. 21, 61, 885. During the early years of the Ward's administration there had been much rack-renting in the estate owing to the *ticcadari* (lease) system of management. In 1866 *Sir* (direct) management was introduced in some parts of the estate, with a view to improving the the condition of the ryots. Under the *Sir* System five head *Tahsildars* and sixteen *naib Tahsildars* were appointed under the immediate control of the Assistant Manager, Mr. Llewhellin. But soon it was discovered that the system was no better so far as the rents and collections were concerned. The traditional and illegal manner of collecting rent continued. *Jeth-ryots* and *Putwarees* became all powerful. The *Tahsildars* and *naib Tahsildars* soon became known in the district for their oppression. Mr. Llewhellin himself admitted that "he single handed could not supervise the illegal and oppressive practices of a host of subordinates".[4] Major Money who succeeded him as the Assistant Manager in 1870 issued orders for the stoppage of all illegal distraints. The



SYED ZUBAIRUDDIN
GORKANI, AUTHOR OF
MAUZ-i-SULTANI

HIS HIGHNESS THE MAHARAJA
LAKSHMISHWAR SINGH BAHADUR OF DARBHANGA



COURT (PRIVATE), DARBHANGA RAJ

employment of unpaid *sawars* and peons was stopped. The collection of *kurchas*, *salamis*, and *abwabs* was likewise prohibited. To effect further improvement in the management, the *Tahsildari* system was replaced by the circle system. Under this system the estate was divided into a number of circles and they were placed under circle officers, designated as sub-managers. They were appointed from amongst men of a better class than the old *Tahsildars*, with higher emoluments. These sub-managers with a sufficient establishment were to collect the rents and revise the *Jummas* in their respective circles. And it worked well.

The circle system continued even in the time of Maharaja Lakshmishwar Singh. On the special request of the Maharaja to the government Major Money's services were made available to him again in 1880, although he largely directed the management of his property himself. In later years when owing to very indifferent health he could not devote himself much to Raj administration he entrusted the work to Chandra Sekhar Bose whom he considered to be " every way more competent than myself".[5]

In requisitioning the services of Major Money, the intention of the Maharaja was perhaps to give a fair trial of the system of management which had been inaugurated by him hardly four years back. Meanwhile some cases of oppression on ryots had also been reported to the Maharaja. The Maharaja therefore urgently needed the services of a man who could effectually implement his ideas of ameliorating the condition of his ryots. The following circular letter to the sub-managers of the Raj of 7 January 1881 issued under his instruction clearly shows his sincere anxiety for the protection of his ryots from alleged oppressions of his *amlahs* : "I am both surprised and vexed to find that there is an impression among some of the District officials, that in the collection of rents in the estate ryots are still oppressed and illegally treated and that the sub-managers, if not themselves guilty of such practices, do not keep that strict check over the proceedings of their subordinates, which alone can ensure oppression becoming impossible.

2. This view has apparently been adopted by the Commissioner.

3. I am glad to be able to say that I believe that this view is a mistaken one, and that sub-managers are as a rule as anxious as I am to carry out *the Maharaja's wishes that his ryots should suffer no kind of oppression and that the collection of his rent should be conducted with the strictest and most undeviated legality.*

4. The two forms of oppression which the said district officers think may exist are : 1 compulsory enforcement of ryots attendance; 2 demand of *kurchas* or *salamis* enforced by refusal to give receipts or *faraqs* till they are paid.

5. I should hope that it is now almost needless to point out to sub-managers that law prohibits compulsory attendance of ryots and that it is their duty constantly to impress on the *pyadas* who serve under them that when sent to call ryots to come and settle their accounts etc. they are to use no force or show of force and I should hope that it is equally needless to impress on our officers of whatever grade they may be who are employed in collection of rents in this estate that they

are not to demand *salami*, *kushar*, or consideration of any kind whatever, if detected doing so they will not merely be dismissed from the Maharaja's employ but be prosecuted with...... of the law in the Criminal courts.

6. These are corrupt practices long ago sternly checked in the Maharaja's estate and under the present staff of sub-managers I hope they will never again spring up.

7. As however there is apparently an unfavourable impression in the minds of certain officers about these matters, I wish very seriously to remind also to sub-managers of the great necessity for their constant and careful supervision of all their subordinates work and for taking active steps, to prevent any illegalities or oppressions on their parts. They must not be contented with simply speaking to their subordinates against such practices they must continually warn them of the serious consequences which will inevitably follow on any illegal acts and must watch their conducts so closely that it will be impossible for such practices to exist undetected.

8. Satisfactory collections are to be ensured rather by the collecting..................gaining the good will and contents of the ryots, through their upright and equitable conduct than by force and oppression, and *all those engaged under the Maharaja should bear in mind that the prosperity of the ryots is identical with his own and that any one who does anything which is injurious to them, injures him.*

9. That I hope the ryots of this estate looking up to the the sub-managers and their establishments as their friends and protectors.

10. This memo is written in consequence of the opinion of the Commissioner and district officers passed on a case of rioting in Pursauneh,...........which riot they hold to have been solely caused by the overbearing and obstinate conduct of certain Raj employees.

11. Two of these employees...........Sobitt *mohurir* and Chhedi Singh *Peadah* I have dismissed and this will I hope be a warning to all other Raj *amlahs* that punishment is sure to follow the commissions of any act of oppression".

The result of all this strictness on the part of Raj authorities can be understood from the fact that a new popular saying became current soon in the estate *Damdo Ghur Baitho* i. e. pay rents, and sit at home.

After tightening the administrative machinery of his estate the Maharaja turned his attention to other problems connected with agricultural improvements. There had been frequent occurrences of drought and famine in the estate as in other parts of Bihar. Total remission of rents and distribution of relief and *taccavi* loans on such occasions were, of course, necessary timely measures but the Maharaja took a number of suitable steps for their prevention, and also for the promotion of agriculture in his estate. He directed the Assistant Managers of the circles to report in their weekly diaries on weather, state of crops, condition of the ryots and every need of a village discovered by them while going round the villages. In case of urgency they were required to submit special report and take up necessary action. Irrigation naturally came to occupy a very prominent place in the scheme of agricultural improvement. The

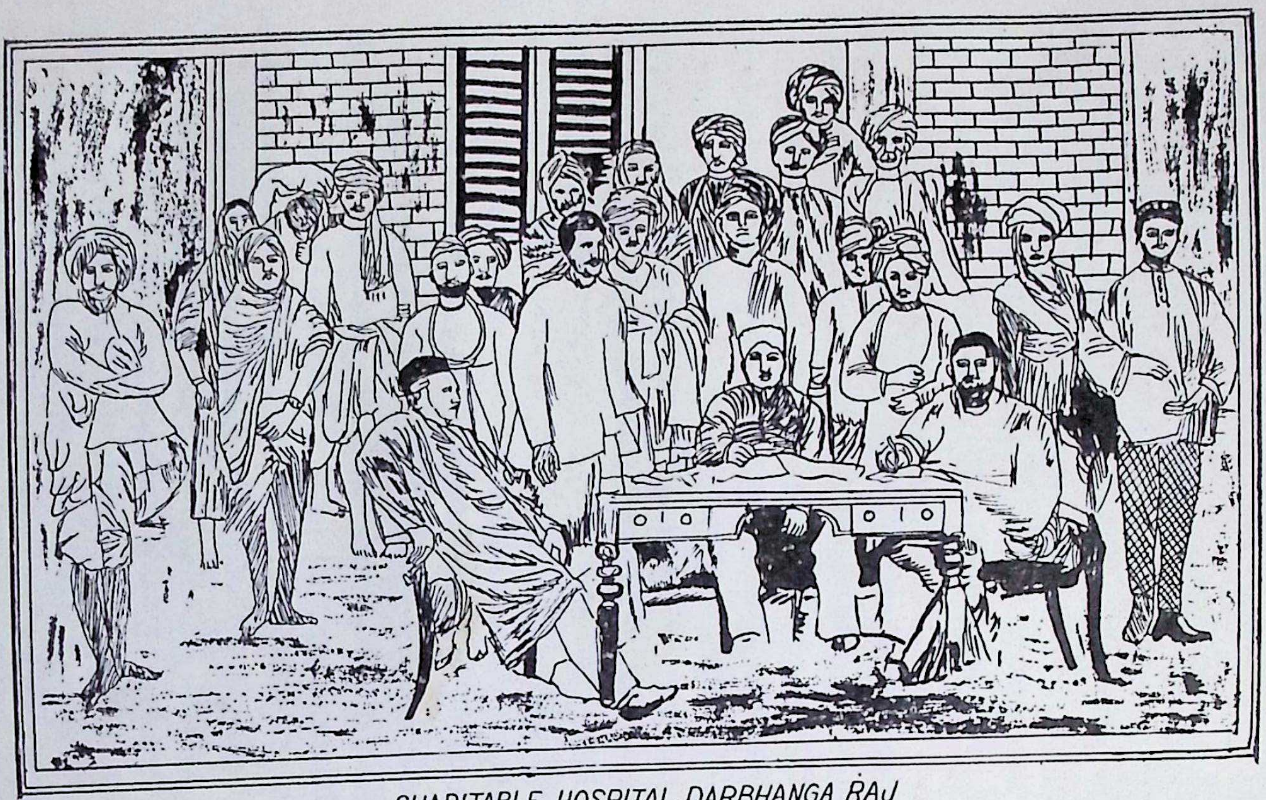
Khurruckpur irrigation scheme, which had been completed at a considerable cost and begun to work from April 1877, had already shown its good results in preventing the occurrence of a local famine that year. The King Canal scheme had been undertaken during the famine of 1897. Under the scheme a very complete system of channels and *pynes* or cuts from the Kamla river had been constructed. It helped in saving 30,000 acres of winter rice during the partial failure of the monsoon in 1901. Besides, wherever any channel was necessary for the conveyance of water or a *Bund* required to prevent the flow of water, the work was at once taken up in hand and executed, generally with the willing cooperation of the ryots. Experimental farms were organised, and new varieties of crops, particularly those which could yield an early production during the days of droughts, were introduced. We also find references to the setting up of an Agricultural Bank[6] in the estate but the details of its working are not known.

The Maharaja gave a good deal of his attention to the improvement of cattle and horse breeding also. He was a successful horse-breeder and his herd of English cows was considered to be the finest in India. He also supported the movement for the protection and better upkeep of the cows. Owing to his active interest in the matter, Darbhanga was made the headquarter of the Goshala Association of India. It had its branches all over the country. The Maharaja set apart 500 acres of land as a pasture, besides an annual grant of Rs. 500. It continued to serve the kine world for a long time.

The importance of good communication was very much realised particularly during the days of famine for carrying forward relief operations to the distant corners of the estate. The Maharaja constructed hundreds of miles of roads and iron-bridges over all the navigable rivers in his zamindary. The Tirhut State Railway was constructed almost entirely as a famine measure of the estate.

Bihar, Bengal and Orissa were in the grip of a terrible flood in 1893. The zealous Maharaja offered his full cooperation to the government, and apart from joining the general appeal to the princes and nobles of India to join hands in that hour of dire distress he made a personal contribution of Rs. 3,00,000 towards the famine relief fund. The enormous amounts of money expended by the estate on relief measures during the famines of 1874 and 1897 earned for the Maharaja the heart felt gratitude of the ryots which found a spontaneous expression in the folk-lores of the period.[7]

It was again the human feeling for his tenantry and the people at large that led the Maharaja to establish a first class dispensary at Darbhanga, called the Lady Dufferin Hospital. Besides, each of the eleven circles of the estate contained a hospital for the tenantry of that region. It may be mentioned that in those days the hospitals were very few and far between. Not even all the district headquarters possessed a hospital. And those in existence were not of the same standard and equipment as was the Raj Hospital at Darbhanga, which attracted patients even from far off places. Leading doctors of the period were employed in the Raj Hospital and nothing that money could secure was left undone to



CHARITABLE HOSPITAL, DARBHANGA RAJ

alleviate human misery and suffering. The Government Civil Surgeon used to pay weekly visit to the hospital. Poor patients were given diets etc. free according to the prescription of the doctors.

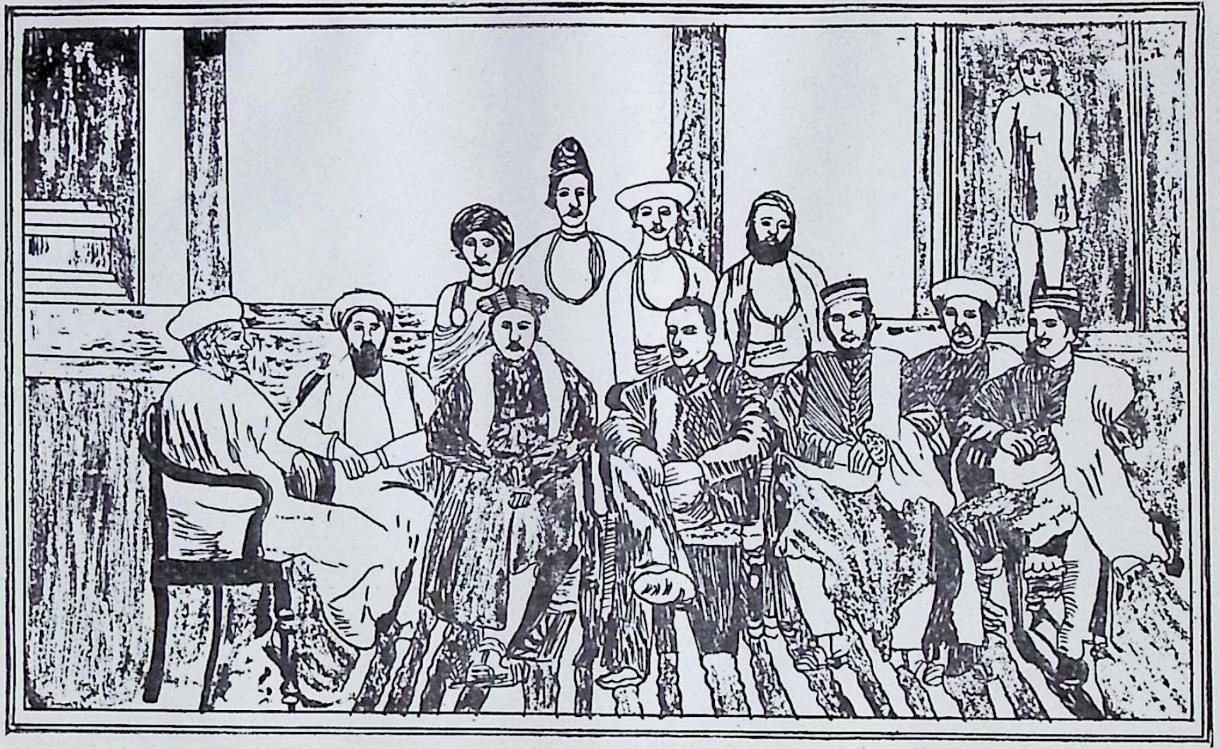
Likewise to remove illiteracy and promote education among his ryots the Maharaja established a number of primary schools all over his estate. These had actually been started during the period of Ward's administration. They were not only continued during his regime but also multiplied according to the demands of the people. A number of Anglo-Vernacular Schools had been established at important places to enable the students from the village schools to prosecute their studies further. The higher English education in the district synchronised with the installation of Maharaja Lakshmishwar Singh to the *gaddi* in 1879. From that year the Raj High English School began to send up students for Matriculation examination. In all these schools education was free. Provision was also made in Darbhanga Raj High School for giving technical education in printing, draftmanship etc., at the instance of the Maharaja himself. On 2 August 1887 he directed the Headmaster of Darbhanga Raj High School "to submit a scheme with your Assistant to give technical education to boys who wish to serve the Raj. If some practical scheme is suggested and worked out, I would every year reserve a certain percentage of appointment for the students of our Raj School. They will have to pass a competitive examination and only the best will be eligible for posts". From a letter of the Headmaster Watling, dated 19 May 1888, the following information about the scheme is obtained :—

"(a) For some time past the Raj High School has had the advantage of possessing a Surveying class, which so far has proved a success. There is every likelihood of its turning out properly qualified *Amins* for district work before long.

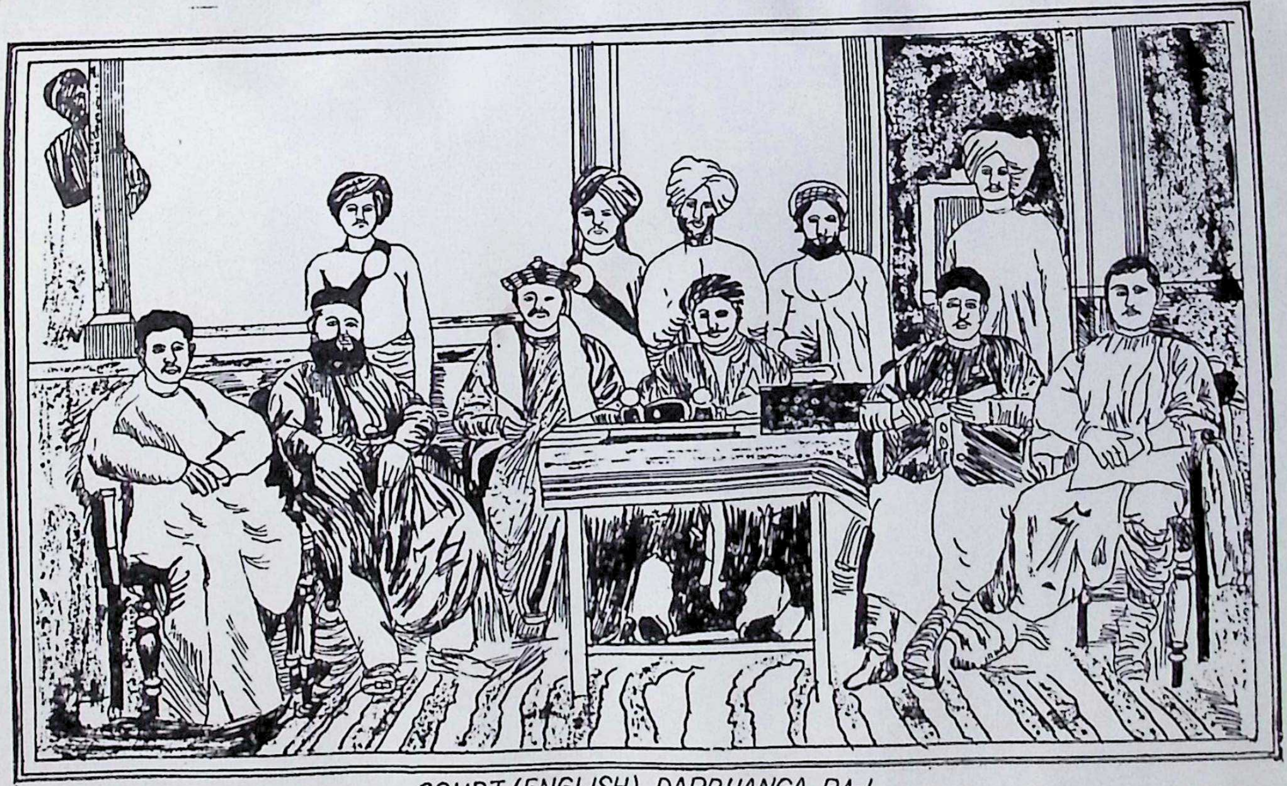
(b) The Printer's class which was started about the same time as the Surveying class, has I regret to say all but vanished not so much, I take it, from any repugnance on the part of pupils themselves as from the want of a little earnest endeavour to promote the object in view on the part of their instructors at the Raj Press, who were offered no remuneration for their trouble. To remedy this defect and thus revive this more or less languishing class, I would propose a small capitation allowance of say Rs. 5/- per annum, being made to our press men for each qualified pupil turned out at the end of the year. The class if limited to 20 pupils in each year would make the cost of maintenance under this head come to about Rs. 60/- a year not a very large sum to divide among two or more instructors. Supplementary to the above I would propose the opening tentatively of two other technical classes for the benefit of our students of the High school and the branch Middle English school to start with.

(c) Apprentice clerk's class for such boys as might wish to learn drafting, docketing and book-keeping and

(d) Artisan Class for those who from their caste considerations or from their natural bent of mind might have a liking for carpentry or machine-work. The former like the present surveying class attached to the High



COURT (LAW), DARBHANGA RAJ



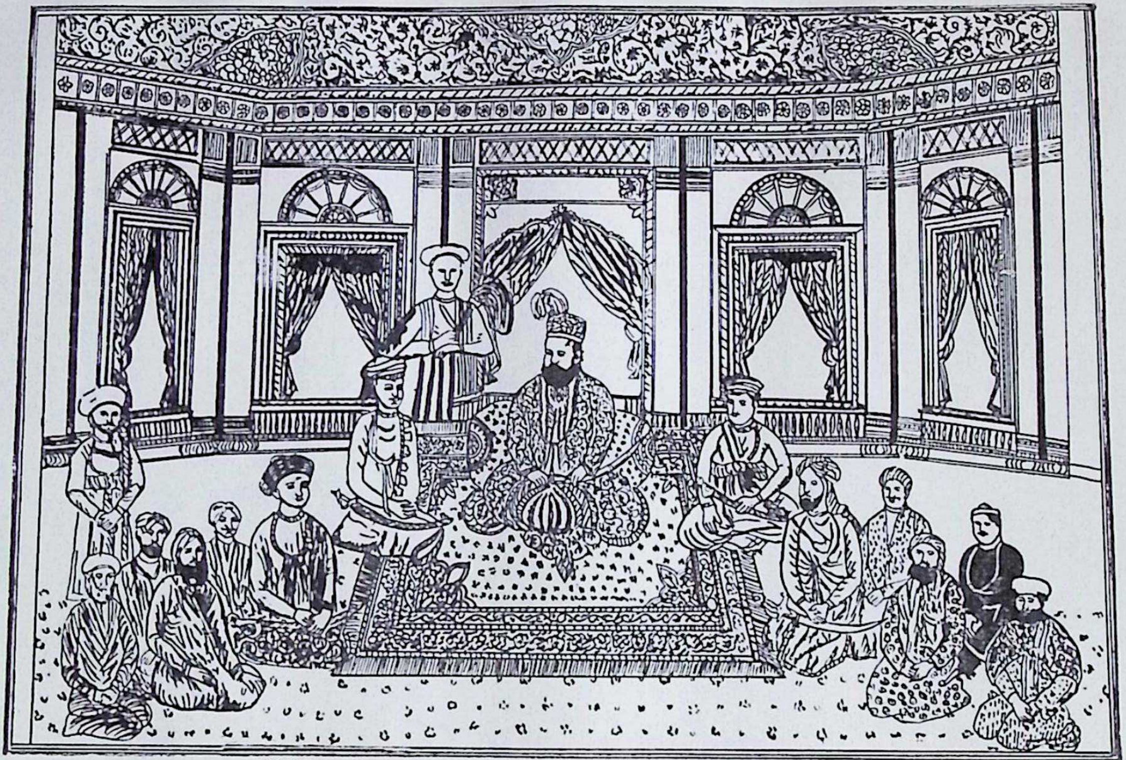
COURT (ENGLISH), DARBHANGA RAJ

School could be held out of school hours, by one of the masters, for a small consideration, while the other could be given practical lessons at the Raj workshop under the direction of Mr. Franz or, it might be, one of our skilful head-workmen of whom we have quite a number. They could, I feel sure, be easily got to do the work in the interests of the Raj under the payment by result system recommended for the Printer's Class, the amount of remuneration to be allowed in each case depending entirely upon the nature and quality of the work to be done. The scheme has certainly the merit of ready feasibility and far-reaching utility with economy combined to recommend it and seems to be well worth a trial, as giving quite a practical side to both English schools".

A number of scholarships were created for poor and meritorious children of the ryots of the Darbhanga Raj to prosecute their studies. Some Raj scholarships had also been created for students successfully passing from the Darbhanga Raj High School and pursuing university education either at Banaras College or Patna College or B. N. College. Besides, the Maharaja offered in 1882 to award ten gold medals to the students of Patna Division who most successfully passed the examination of the Calcutta University.[8] In awarding these scholarships merit was the sole consideration as it appears from a letter of the General Manager, dated 28 July 1886, according his approval of the award of Raj Junior scholarship to Ganga Nath Jha and Abdus Samad who were willing to join Queen's College, Banaras. The Maharaja also intended to set up a College at Darbhanga. F. A. classes had actually been started in Darbhanga Raj

High School, but before the scheme could materialise the Maharaja passed away in 1898.

Sanskrit education also received due attention of the Maharaja. From an account of MM. Maheshchandra Nyayaratna[9] we learn that the old reputation of Sanskrit learning in the estate was still maintained. In 1881 the Maharaja donated to the Government a sum of Rs. 5000 for the establishment of a scholarship of Rs. 15 a month and a prize of Rs. 20 to be awarded to the most successful candidates at the Sanskrit Title Examination. The Principal of the Calcutta Sanskrit College was to administer the fund. The Maharaja held weekly meetings of Sanskrit Pandits on every Monday for *Shastrarth*. In the Foreword to '*Purush Pariksha*' of Vidyapati, published by Maharaja Lakshmishwar Singh, we get a glimpse of this weekly meeting and some of the measures adopted by the Maharaja for the promotion of Sanskrit learning. The following is an extract from the Foreword (which has been translated into English) : .... "The pandits of this country used to write prose and verse in Sanskrit only. They held the local dialect in scant regard, and as such no important work was written in vernacular. The kings also were proficient in Sanskrit only; many of them avoided even talking in vernacular. But at present there is Maharaja Lakshmishwar Singh, who is well-versed in many languages including the *Prakrit*. Among the rules in his estate there is one of holding weekly meetings of distinguished scholars on every Monday for scholastic discussions on different branches of learning, which he personally attends. In Nyaya he listens to the discussions on Kusumanjali, Dravyaguna,

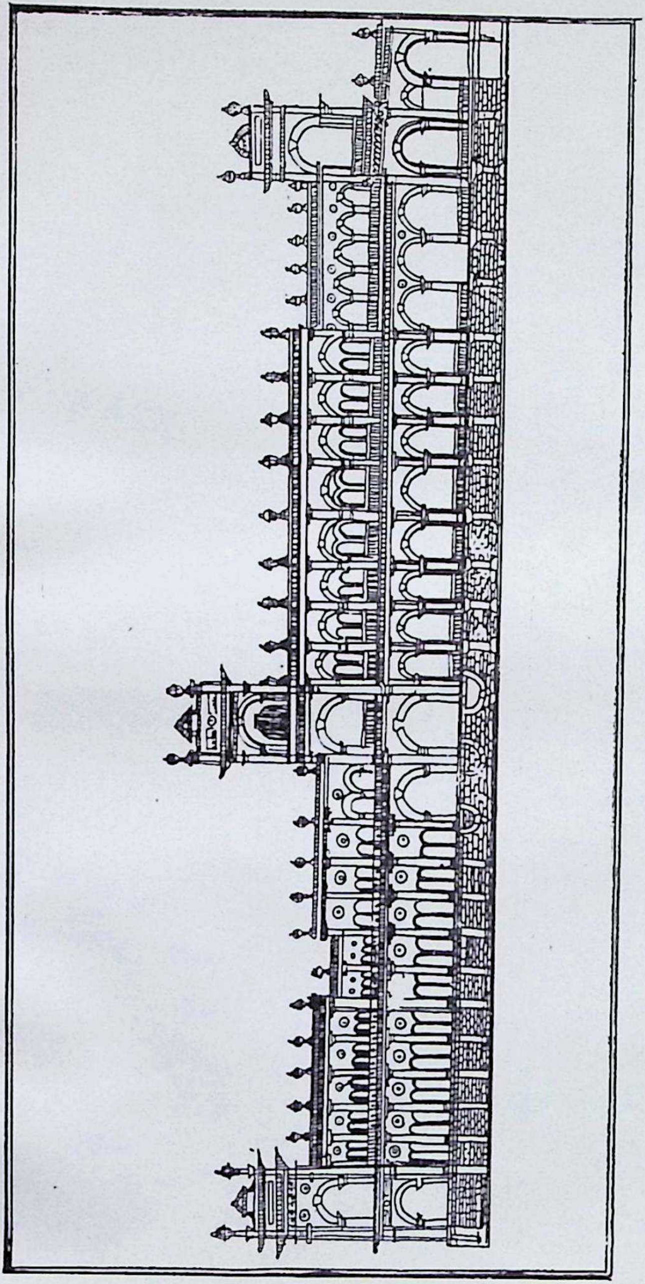


MAHARAJA LAKSHMISHWAR SINGH WITH HIS COURTIERS

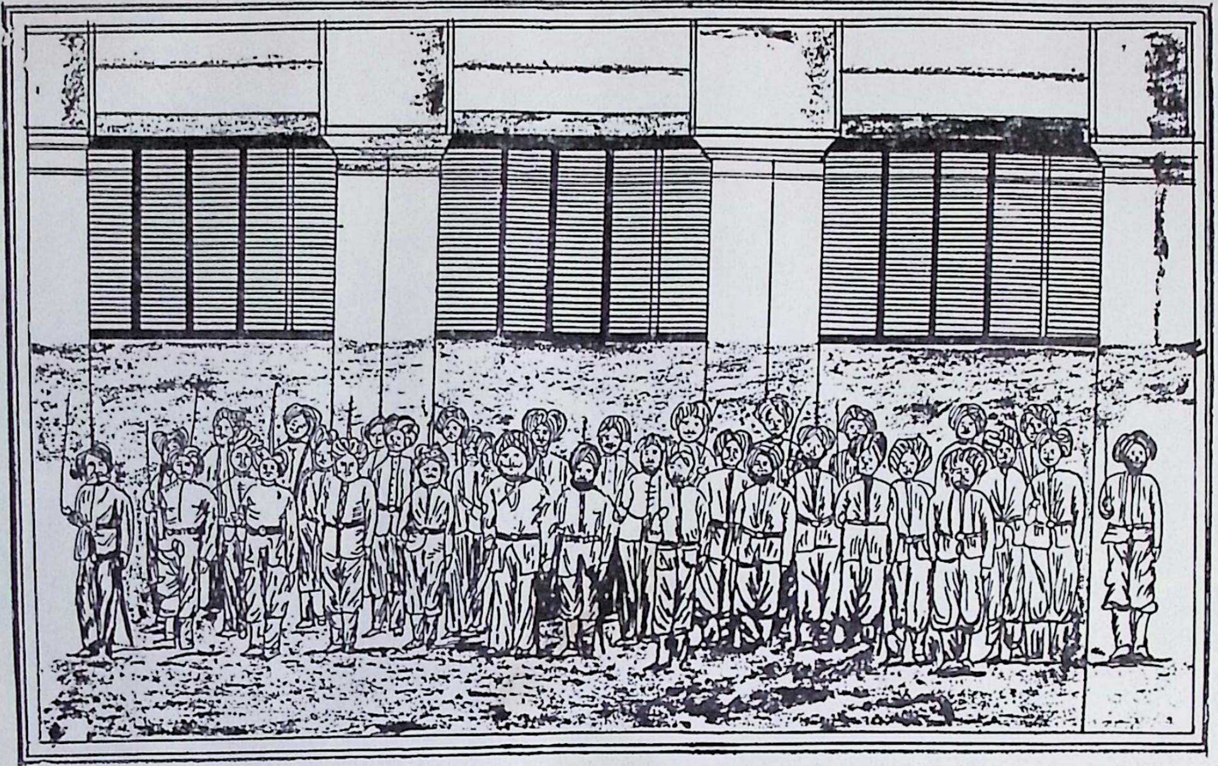
Kiranavali, Padavakya Ratnakar etc. In Vyakarana—Padarthasara, Bhasya and Bibhaktyarthaniranaya are his favourite books. Discussions are also held on Vedanta and Upanishadas; and at times he listens to the recitations from the Virudavali of Raghudeva Saraswat and Chandradutta Jha from Sanskrit pandits. The Maharaja intends to have a collection made of all ancient works of Maithil pandits of Nyaya, Vyakarana, Mimansa etc. He also wants the teaching of these subjects to be made according to traditional methods. A collection has already been made of the old work, Dipika, in Jyotish with the commentary of Raghudeva Saraswat which has been approvingly quoted by Vachaspati Mishra, Bhavanath alias Ayachi, Dube Mishra, Shankar Mishra, Shreedutta Upadhyaya etc. in *Dharmashastra*, and which has been adopted by the Bengalees and Deccanese also in their *Dharmashastra* digests. This Dipika's author is the great Maithil Pandit MM. Shreenivas Mishra. A collection of the poetics and dramas of Govind Mishra, Bhavanath Mishra, Shankar Mishra, Kavisiromani Ramdas Jha, Govindadas Jha, Umapati Upadhyaya, Ramapati Upadhyaya and others has been made. Anandamrita (? Amritodaya, a drama) of MM. Gokulnath Upadhyaya has been collected. There is a scheme to publish the unpublished Sanskrit and Prakrit works of Bhana Jha, Harshanath Jha, Chandra Kavi and others, and to make them available to authorities on the subjects. Like *Purushapariksha* which has been translated into vernacular language and published by the order of the Maharaja, it will be presented to the learned as well as to those who take delight in ethical narratives. The Ramayan in Maithili by Kavi

Chandra is ready for the press. These Maithil works on poetic and drama in Sanskrit or Prakrit will be published in the series called by Raj pandits as the Lakshmishwar Vilas Series. Kavi Chandra has been entrusted with the collection of these works. A correct edition of Vidyapati padavali (which contains a lot of errors owing to its publication by non-Maithils) will also be brought out incorporating additional good poems which have been collected since". Besides, the *dhautpariksha* (or the examination of *dhoti*) conducted by the Darbhanga Raj carried far more prestige than the title examinations of the Calcutta Sanskrit College or other title conferring Associations. The Maharaja had an intention to set up a Sanskrit College at Darbhanga. Correspondence on the subject had already been started with several Maithil and non-Maithil pandits in and out of Bihar. The College, however, came into existence in the time of his successor Maharaja Rameshwar Singh and was designated as the Rameshwar-lata Vidyalaya. Following were the rules for giving *Bidai* (presents) to pandits and others visiting Darbhanga.[10] "The pandits who are desirous of getting gifts should first of all go to the Shardalaya and there be examined by pandits. If he is a Naiyayik he should be examined by......., if Mimansak by...............on Monday morning. Chitradhar Misser or Haldhar Jha should submit a list of all such pandits and they should be paid at the following rates.

(i) The pandits of this country who have already the *Dhoti* and are considered first rate scholars should get Rs. 50 (fifty) for the first time. After that if he comes very often, he is only to get a *Bidai* of Rs. 10 and



ANAND BAG PALACE, DARBHANGA RAJ



RAJ SEPOYS

should be given only once or twice in the year. A second rate pandit is to get Rs. 30 and a third rate Rs. 20 only.

(ii) A pandit who has finished his studies and turns out to be good scholar and if he has not got the *Dhoti* should get sum varying from 20 to 40 rupees. They should not however get yearly *Bidai* except in exceptional cases.

(iii) The *Pardeshi pandits* are to get the same rates as the *Deshi pandits* with an addition of something which ought to pay for their travelling allowance.

Vaishnava—Any Vaishnava coming to the gates ought to get his diet expenses in cash for the first day. *Bidais* are to be given to only exceptional men. They should go to Chitradhar Misser if they want any gifts. If their reason be good they might get the gifts.

Bhattas and Kavis—They should go to the Shardalaya and there be examined by the pandits. The following rates are fixed for them with the addition on account of travelling allowance in case where they have come from long distance.

First Class	....	....	Rs. 40/-
Second Class	....	....	Rs. 25/-
Third Class	....	....	Rs. 15/-
Bad	....	....	Rs. 10/-

We have also come across an Abstract Statement of Charities, Gifts and Remissions of Rent, etc. made by Maharaja Lakshmishwar Singh till the year 1887.

Works of Public Utility :

During Minority i. e. up to 25th Sept. 1879	30,49,412-0-0
During Majority up to February 1887	40,289-0-0
Subscription promised to the Banaras drainage works	1,00,000-0-0
	31,89,701-0-0

Remission of Rents :

Being all arrear demands in rent and cesses up to the end of 1289 F (1881-82)....	18,52,535-0-0
Being ¼ of the demand from all circles and ¼ of the same from Narraidigar circle for the year 1292 F. (1884-85) out of Rs. 19,68,363 the entire demand for that year	5,39,796-0-0
	23,92,331-0-0

Public Charities :

Through the Manager from the commencement of the Maharaja's majority i. e from Nov. 1879 up to Feb. 1887	1,40,700-0-0
Through the Private Secretary from January 1881 to 5 March 1887	60,186-0-0
	2,00,886-0-0

Private Charities during the same period :

Gift towards Sacred Thread, Marriages, Pilgrimage, Pahalwans, Bidais, and to men of learning from different parts of India and England	1,60,162-0-0
	1,60 162-0-0

Education :

Maintenance of Public Educational Institutions of the Raj from the commencement of Majority of the Maharaja in 1879 to 28 February 1887 (English, Sanskrit and Vernacular Education) through the Manager	1,54,107-0-0
Sanskrit Education through the Private Secretary	36,000-0-0
	1,90,107-0-0

Dispensaries :

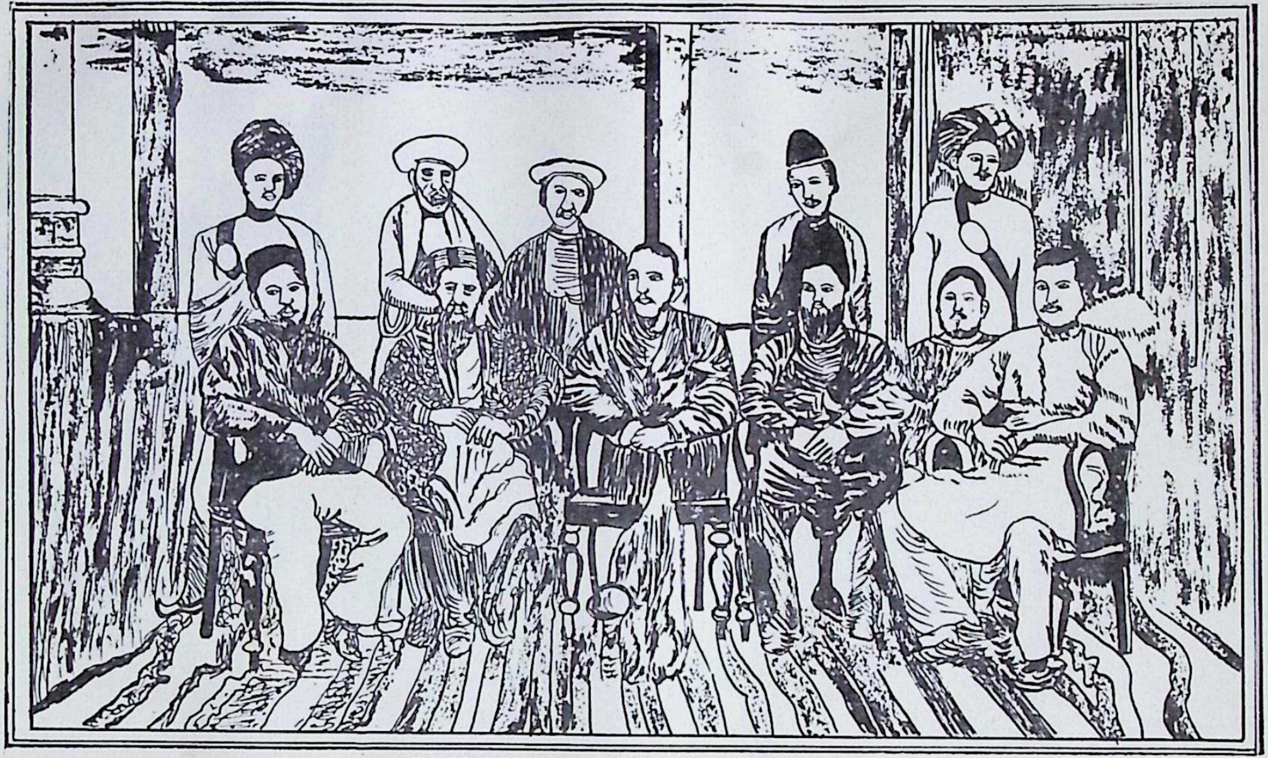
From the commencement of Majority of the Maharaja in 1879-80 to 28 Feb. 1887	1,38,195-0-0
Construction of Female Hospital at Darbhanga	35,000-0-0
	1,73,195-0-0

Jubilee :

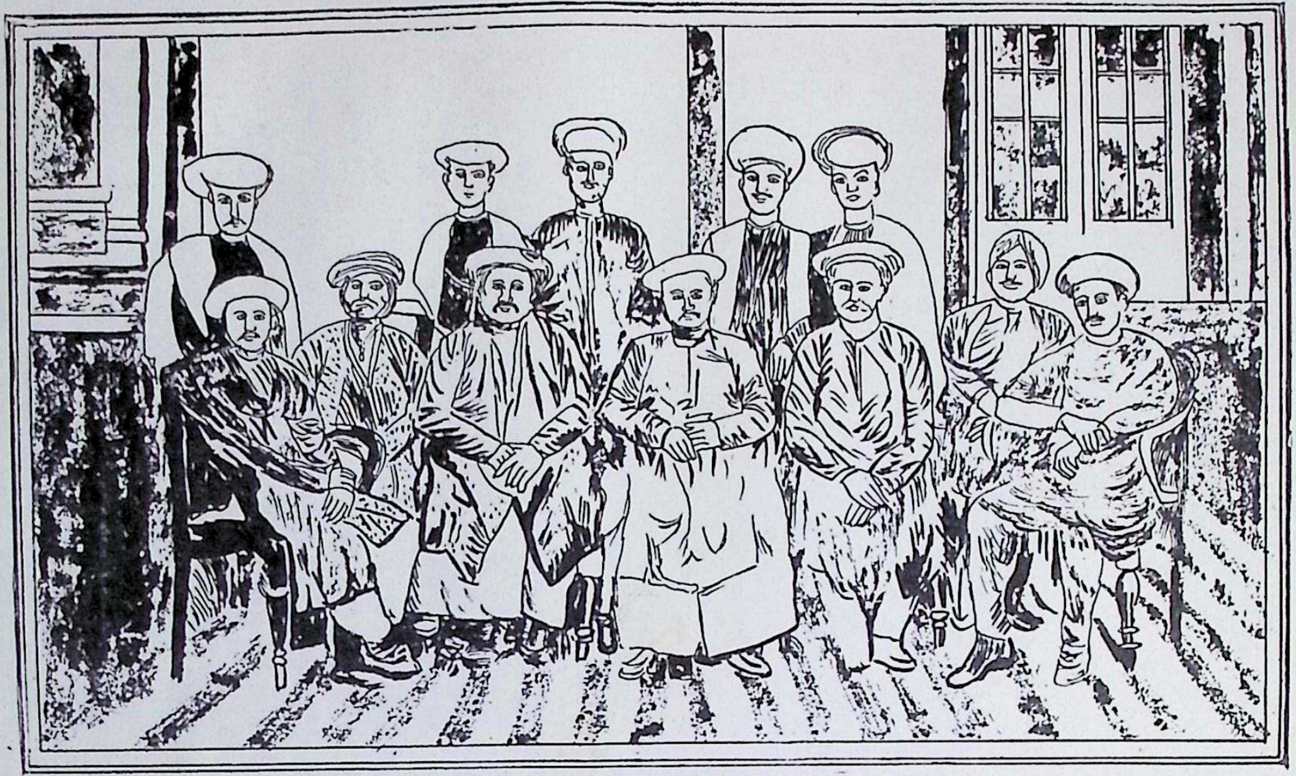
Imperial Institute London....		50,000-0-0
H. R. H. Prince of Wales' Testimonial Fund	£ 500-	7,000-0-0
Secretary to Jubilee Funds, Calcutta		5,000-0-0
Secretary Jubilee Funds, Purneah		500-0-0
Rewards on account of the Jubilee to Raj Servants, Pandits, Pensioners etc. through the Private Secretary		12,513-0-0
Do Do through Manager.		30,000-0-0
Feeding the poor on account of Jubilee		1,650-0-0
		96,663-0-0
Grand Total		64,03,045-0-0

From another account[11] it appears that the Maharaja spent Rs. 24000/- annually over the schools in his estate, Rs. 15000/- for the construction of roads and excavation of tanks, etc. and Rs. 20,000 for charitable dispensaries. It is said that during his life time upwards of two crores of rupees were expended on various public objects, such as famine relief, the construction of roads, contribution for the support of schools and dispensaries.[12]

We have already referred to the role of the Maharaja in the Supreme Legislative Council in connection with the Rent Law Bill. According to the belief of the time the Maharaja considered the zamindars to be the natural guardians of their tenants. He was not prepared to concede that the zamindars, as a class, were oppressive. He stated; "A great deal has been said about the oppression of zamindars in Bihar, and I doubt not that in Bihar there are a few bad zamindars as well as a few bad raiyats. But it is most unjust to think that all the Bihar zamindars as a class, are oppressive". There had been rack-renting and illegal distraint in the past. But even the estates under the government administration were not free from these undoubted evils. As the Maharaja observed: " The Government itself, as guardian of two of the largest proprietors in Bihar, was obliged to have recourse to this illegal system of distraint up to 1876. In the Darbhanga Raj, when under the court of wards, it used to be considered the proper thing to distrain the raiyats crops without serving them with formal notices. It was in 1876, however, that steps were taken to introduce a system of legal distraint and I am happy to say that the system of illegal distraint has now entirely



TREASURY, DARBHANGA RAJ



COURT (URDU) DARBHANGA RAJ

disappeared throughout Bihar".[13] He opposed the Bill because he sincerely felt that the proposed legislation would enkindle and inflame passions and animosities in Zamindar-Ryot relations. He was not opposed to the Cadastral Survey. But he considered the Putwary laws to be objectionable, and by mobilising public opinion against them he ultimately succeeded in getting those clauses removed from the Act.

He was however, not unmindful of the duties of a zamindar towards his tenants. He considered it to be the wisest policy for a zamindar "to endeavour to secure upon his estates a substantial well-to-do tenantry, able to meet the ordinary vicissitudes of season, self-respecting and jealous of their own right, while recognising and satisfying the just and moderate demands of their landlord".[14] In one of his public speeches he is reported to have expressed his conviction that "so long as the mutul conflict between the zamindars and tenants will not end, there will be no peace and prosperity in the country".[15] And he lived up to his conviction. It is evident from the fact that in the eighties of the 19th century when the relation between the landlord and tenants became very much strained in other estates one of the causes mentioned in the official report was the improved condition of the tenants of the Darbhanga Raj. Buckland writes that "the tenants of the small proprietors saw that in the great Darbhanga estate the position of the cultivators was being improved, defined and settled and this encouraged them to demand more equal treatment for themselves". [6]

At one time Maharaja Lakshmishwar Singh seriously thought of developing his estate on industrial line also. In 1883 he proposed to set up a weaving machine at Darbhanga Chandra Sekhar Bose, an Assistant Manager, who was entrusted with the preliminaries of the scheme, submitted the following report on 8 February 1883 :—

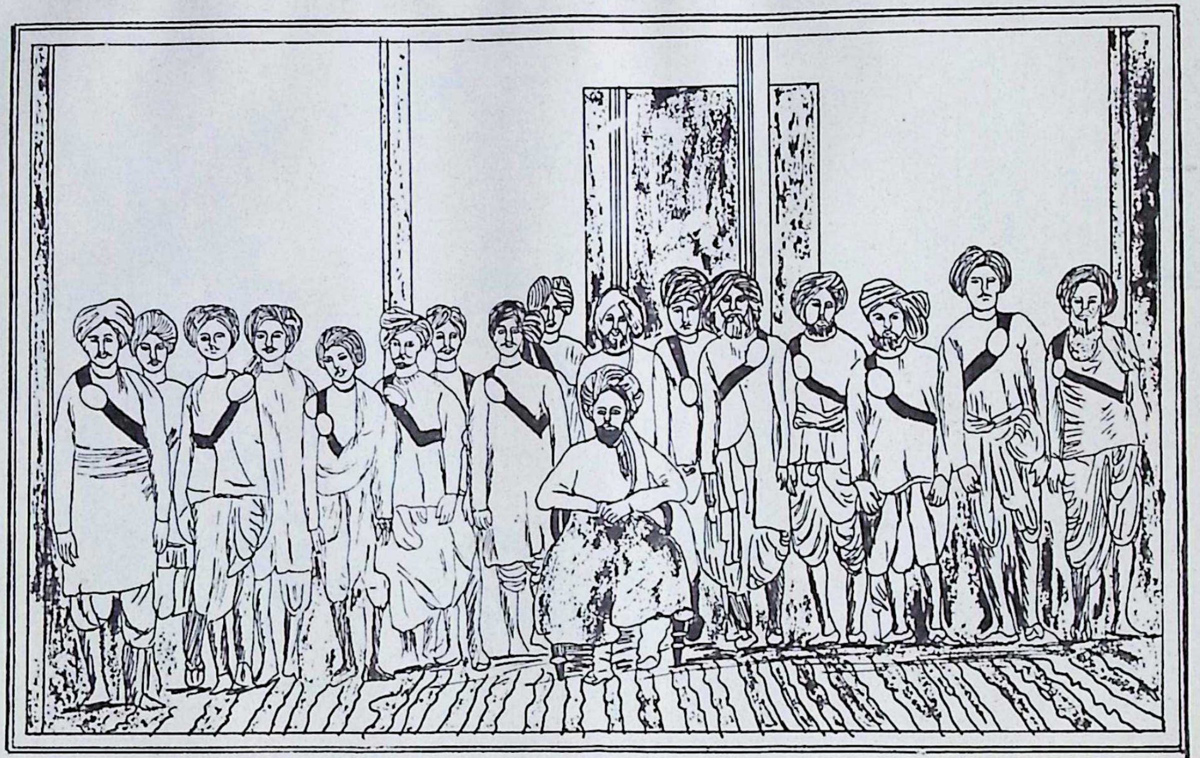
"The enclosed Lithographed estimate shows that nothing short of an outlay of 4 lakhs of rupees would enable us to set up an imported machine. I would not therefore recommend the introduction of an English machine at all such will not only be costly, but may end in a serions loss if not properly worked and as more especially I am in doubt if even with the help of an energetic and enterprising superintendent we will be able to compete with British loom. If, however, His Highness would not mind such a large outlay, I will settle all preliminaries for the importation of a cloth mill with the valuable help of Mr. H. Madge, Inspector of Steam-Boilers and primemover in the city and environs of Calcutta, as he has assured me he will kindly do all in his power for the sake of His Highness.

If His Highness agrees with me in thinking that a costly English machine is unnecessary for the present, I would most respectfully recommend to try Babu Sita Nath Ghose of 56, Beadon Street, who has obtained patent for a portable new weaving machine may prove serviceable. The cost for a set of 80 such machines will only amount to Rs. 10,000 besides a 15 horse-power steam engine to work them together at a cost of about Rs. 4000/-. This is exclusive of spinning machines which Babu Sita Nath has not. I think it would not do to purchase imported thread for the purpose nor to introduce a costly spinning machine at present. If possible, I think we might bring all the Charkha-spinners of Tirhoot, Narediger and Dhurampur to our aid as much as practicable. If His Highness thinks this is possible, an enquiry may be ordered through the sub-managers as to what quantity of thread they will be able to supply annually from their respective circle both from kookti-cotton and common cotton and at what cost per maund of each quality of thread giving also an idea of the cost of carriage. An information like this will enable me to judge how the cost of country thread will stand in relation with that of imported thread. I may add that *if our tenants could be persuaded to supply all sorts of thread required for the weaviug machine and if they are properly encouraged to do so they will be benefited by ample accupation and within a five years the state will improve in cotton cultivation which will repay the tenants more than any other crops they grow.*

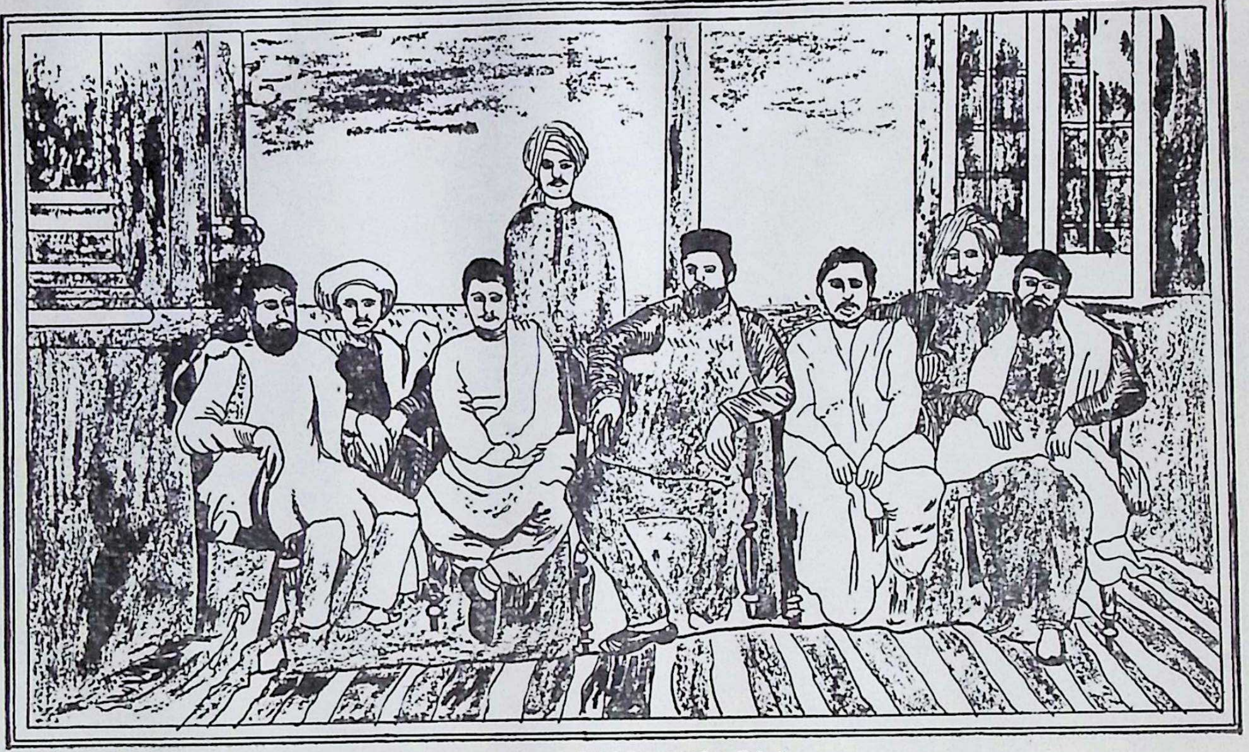
I understand from Babu Sita Nath Ghose that his weaving machine can produce all sorts of cotton fabrics and also stuffs as good as kookti cloth. In Babu Sita nath's opinion *the Kookti cloth sent by you for sample is very good stuff and both the thread and weaving thereof is excellent. He therefore thinks that persons who can manufacture such nice thread and cloth are surely expected to be of much help for the weaving machine. Under the circumstances I agree with him in thinking that we should give them a trial before introducing any kind of spinning machine*".

The Maharaja accordingly ordered on 15 February 1883, the issue of a circular letter enquiring from circle officers about the availability of cotton etc. in their respective jurisdictions. Chandra Sekhar Bose was, in the meanwhile, required to submit an estimate of the cost of establishment to keep Sita Nath Ghosh's machine and the steam engine in working order. In reply the sub-manager of Jalai Circle informed that about £bs. 7000 of Kookti cotton and £bs. 30,000 of common cotton thread could be obtained in his circle. From Rahika circle about 10 Mds. of Kookti and 500 Mds. of common cotton could be available. Parihar circle was likely to supply 200 Mds. of Kookti cotton at the rate of Rs. 32 per maund, and 50 Mds. of white thread at the rate of Rs. 25 per maund. A further sum of Rs. 20/- for every 100 Mds. of cotton was required as transport cost. In Jhanjharpur circle only 800 Mds. of common cotton was likely to be available at the rate of Rs 40/- per maund including the railway freight to Darbhanga. Kookti cotton was not available in that circle. In Dhurampur circle no cotton was grown, nor cotton thread produced in that part of the Purnea district.

We do not know much about later developments in this regard. The Raj records show that Chandra Sekhar Bose was deputed to Calcutta to settle terms with Sita Nath Ghose who had evinced a desire to dispose of his own spinning mill. For sometime Kharruckpur was also in the picture as a suitable site for the proposed cloth mill. Cheap electric power from the neighbouring mountaineous river was the main consideration in favour of Kharruckpur. But the project appears to have been abandoned finally.



COURT (NAZARAT), DARBHANGA RAJ



COURT (TOUJI), DARBHANGA RAJ

CHAPTER V

A MAN OF PROGRESSIVE VIEWS

INTRODUCTION OF ENGLISH EDUCATION IN MITHILA—PEARY LAL'S MARRIAGE MOVEMENT IN BIHAR—AGE OF CONSENT ACT—SUGAR FOR HINDU CONSUMPTION—SEA-VOYAGE MOVEMENT

English education has played a significant role in ushering in social progress in modern India. But Maharaja Lakshmishwar Singh belonged to that part of the country which had been a citadel of conservatism. Since it occupied a glorious position in the realm of education and culture it maintained an indifferent and somewhat disdainful attitude towards foreign languages The adage, "so long you have life still left in you, do not utter the language of Yavanas" shows how the people of Mithila resisted even at the cost of their lives the attempts on the part of conquerors to impose their language. Political defeat was not considered to be so dreadful as the religious and cultural defeat. Indeed religion was then the symbol of nationalism. Territorial loss could be regained, but not the religious one which lost once was lost for ever. No greater calamity could conceivably befall a man than losing his caste, for it meant a degradation of his position both in this world, and the other to come after his death. It is therefore not at all surprising that English education could not make any headway in this region for a long time. As a matter of fact not only in Mithila but in the whole of Bihar, social changes could be possible only when they got recognition both from local chiefs and pandits. Whenever such a crisis arose the common people looked up to their local zamindars for the lead. For example, when common messing system was introduced in the jails of Bihar and *lotahs* were replaced by earthen vessels there were violent demonstrations both in and outside the jails. The authorities made great efforts to pacify them, but the prisoners had the only reply to make that "if Babu Kunwar Singh and Maharaja of Dumraon approved of it they would *certainly* have no objection".[1] In short both in political and social spheres the zamindars of Bihar continued to lead their ryots for a long time.

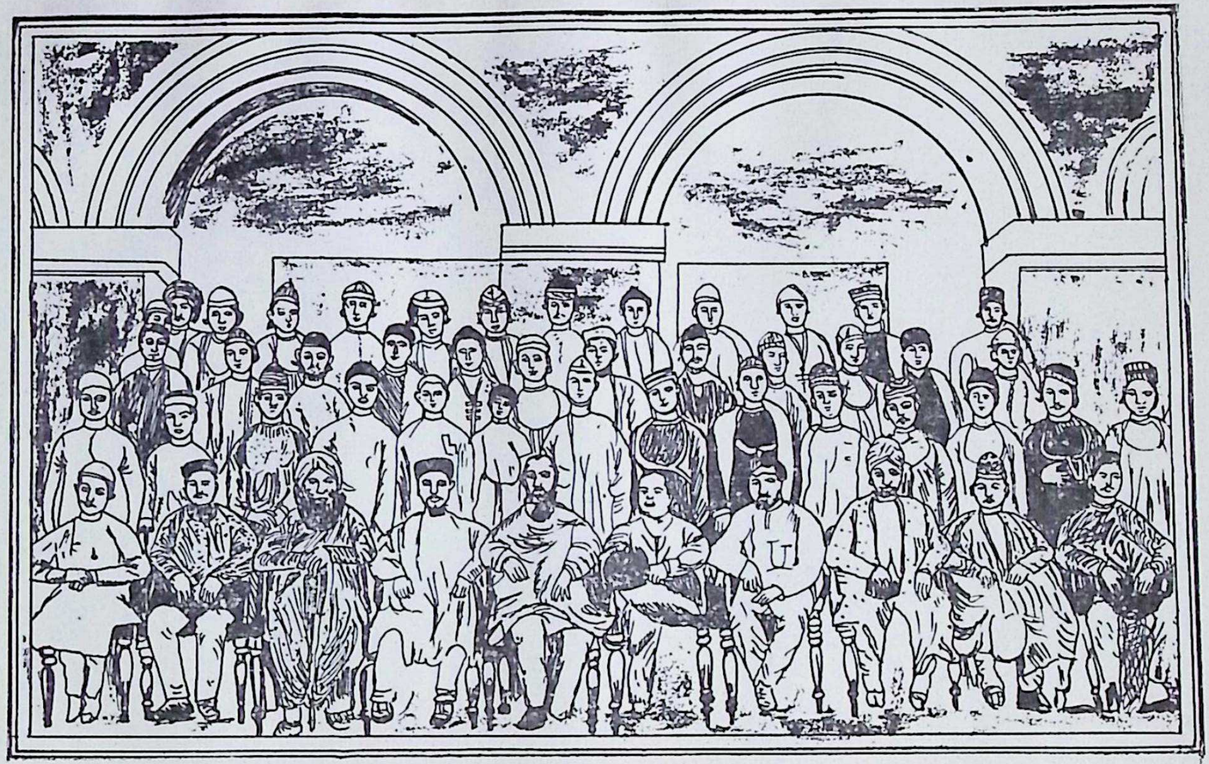
In Tirhut district the first Anglo-Vernacular school was established at Muzaffarpur in 1844. It is true that the local zamindars gave monetary help to the school, but no upper class people got their boys admitted there. Again an Anglo-Vernacular school was established at Darbhanga in 1855 with the efforts of local government officers but it had to be closed for want of students. Reporting on the event the Collector of Tirhut Mr. Lantour observed: "I am sorry to say the natives of the district do not patronize education. They imagine they are to be converted into christians. In fact the higher class of natives in this respect are *veritable gobe mouches* and nothing is too absurd, which they will not believe as regards the introduction of education among them. The natives of the Lala (Kayastha) caste are against education to a man, as that class are employed entirely in keeping village and zamindari accounts and they object to competition. The Rajputs and Brahmins are also against it. They are arrogant and superstitious.

When education is mentioned Christianity is their election cry".[2]

So far as the common people were concerned, we have already mentioned that they were expecting from their zamindars the necessary guidance. As such the *Mithilesh* had to come forward. And the opportunity came in 1860. Maharaja Maheshwar Singh died leaving behind his two minor sons. The estate was placed under the court of wards administration. They received best possible liberal education in the Wards Institute at Banaras. It was a very significant event in the social history of Mithila. The people of Mithila saw the Raj Kumars receiving English education. This removed their fear of English education on the ground of religion. But mere change in the social outlook was not sufficient for the spread of English education in Mithila. The economic aspect of the problem was no less difficult. How many people could afford to educate their boys at Muzaffarpur, so far away from their home ? How many people could arrange funds for their fees and boarding ? A man of vision, the Maharaja clearly saw the great prospect of English education. If English education had done him good, he rightly thought that it ought to be brought within the reach of his people. He, therefore, upgraded the existing Raj Anglo-Vernacular school at Darbhanga to the matriculation standard, and made it a free institution. Besides, he created a number of scholarships for poor and meritorious boys. Some of these scholarships were meant specially for the sons of Raj ryots. Preference in Raj service was given to scholars from Raj educational institutions. There were a number of free Raj Middle English schools in different parts of the estate. These acted as feeder schools for the High School at Darbhanga. The Anglo-Vernacular school at Madhubani received regular aid from the Raj.

But one of the main problems connected with the development of English education was the utility of English educated persons in the society. Had it not been helpful in earning livelihood, people would not have learnt English just for the sake of knowledge. From contemporary records it is known that students passing from Raj schools got employment in railways, post-offices and government and private schools.[3] The efforts of Maharaja Lakshmishwar Singh in this direction also were creditable. He started annual competitive examination for recruitment of persons for Raj services. We have already mentioned that it was also his intention to start F. A. classes in the Raj High School to enable local students to prosecute higher studies. It was this fostering care of Maharaja Lakshmishwar Singh that soon produced a number of illustrious English educated persons in Mithila, who could favourably compete in various walks of life.

Maharaja Lakshmishwar Singh patronized all movements for emancipation of our women. Although, for obvious reasons, he could not establish any girls school in his own estate, he rendered conspicuous help to those engaged in the work. As in other parts of Bihar the Bengali residents had opened a Girls class in the Bengali Middle English School at Darbhanga in the early eighties of the 19th century. The Secretary of the school, Robin C. Dutt, approached the Maharaja in February 1886 for aid to the school which was facing serious financial crisis.



STUDENTS AND TEACHER OF RAJ HIGH SCHOOL, DARBHANGA

The Secretary appealed: "As this is first attempt at female education at Darbhanga it will be a matter of great pity should the undertaking have to be abandoned now, for want of funds...........".[4] And the Maharaja did not let the project to be abandoned. Within a week he sanctioned for the school a monthly grant of Rs. 40, besides the use of a house free of rent.[5]

Likewise he helped the National Indian Association which had been founded in 1871 by Miss Carpenter with the object of promoting kindly relations between the people of England and India and furthering the cause of social progress in this country. A branch Association was established in Bengal in 1876. The Bengal commitee directed much of its attention to female education in India. The committee appealed "to all who desire in the elevation of the women of Bengal and the social progress that must result therefrom to aid in carrying on this work....".[6] As the estate was then under Court of Wards the Collector of Darbhanga moved the higher authorities for donation, according to the wishes of the Maharaja. The Commissioner, however, sanctioned a sum of Rs. 500/- only in June 1879. As the cause was very dear to the Maharaja he must have helped the Association even afterwards.

Maharaja Lakshmishwar Singh took an active part in the social movement started by Munshi Peary Lal of Arrah to eradicate abuses connected with marriage. The movement was at first confined to the Kayasthas of Bihar. Later on it was made more broadbased so as to include members of other castes also. A Sadar Committee was accordingly set up at Darbhanga in 1876, and measures were taken to curtail marriage expenses and to put a stop to the practice of polygamy, very common among the Maithil Brahmanas then. The Maithil Brahmanas as a rule demanded money from the parents of brides as a condition for giving their sons in marriages. They also took money when they had to marry their daughters to persons of a low family. Then there were *Kulin* Brahmanas, who went by the name of *Bikaua* and married 25 or 30 wives of a low family, simply as a monetary speculation. They generally brought the first wife home and left the others at their own houses. Once a year or more often according to their convenience they used to go on a tour to their fathers-in-law's houses and demanded money from their wives' parents, and considerd it to be a laudable means of livelihood. The most unfortunate aspect of the system was that by the death of one *Bikaua* a large number of women became widows. As a result of an enquiry of that year (1876) it had been found that by, the death of only 54 *Bikaua* Brahmanas, 665 women, some of tender age and others in the prime of life, had become widows. The case of two *Bikauas* has specially been mentioned in the report—one of village Koilakh, aged about 50 years, who had married 35 wives, and another of Ramanagar, aged about 40 years, who had married 14 wives.

The Darbhanga Sadar Committee held several meetings in 1876 to discuss specially polygamy and extravagance in marriages. Rules were framed for putting a stop to the evil practices by taking solemn promises against their observances by the Maithil Brahmanas and the *Panjiyars*. Rules for other castes were also framed with the approval of the headmen of the respective castes, who attested them with their [signatures. Maharaja

Lakshmishwar Singh participated in the discussions of these meetings. His uncles, Maharaja Kumar Babu Guneshwar Singh and Maharaja Kumar Babu Gopeshwar Singh, were also associated with the movement. The Maharaja gave an annual subscription of Rs. 1000/- and a suitable house free of rent to the Sadar Committee for running its office at Darbhanga His uncles had also given Rs. 40/- each. The Maharaja accompanied Munshi Peary Lal to the famous Saurath *Sabha* in 1876 and in both the *Sabhas* of *Asadh* and *Aghan* of 1877 he supervised the workings of the *Sabha* alongwith the subdivisional officer of Madhubani, G. A. Grierson. From the beginning of the year 1876 upto November 1878, 2289 Marriages had been celebrated according to the rules for every caste and for which, besides the *Siddhanta Patrikas* of the *Panjiars* marriage licenses had been issued from the Darbhanga Sadar Committee and Madhubani branch Committee. 107 marriages had been celebrated against the rules framed by the Committee. Out of these, the cases of 96 persons who had partially infringed the rules were disposed of by inflicting upon them the social fines as agreed to previously by the *panchayats* in accordance with the seriousness or otherwise of their fault. The total social fines amounting to Rs. 298 As. 10 were realised, and the cases of 26 *Bikaua* Brahmanas were sent to the Maharaja for disposal.

On 20 January 1878 a special meeting and on 23 November 1878 a general meeting were convened with the assistance of the Collector of the district, and were attended by the European and Native Official and non-official gentlemen. Besides the proceedings of the Committee, the speech delivered by Maharaja Lakshmishwar

Singh was considered "as fulfilling the object of the Committee".[7] From an entry in the diary of Maharaja Lakshmishwar Singh, dated 21 February 187[illegible], it is learnt that he "had a long talk with Peary Lal about the marriage Committee".

We get a more clear picture of Maharaja Lakshmishwar Singh's view regarding the emancipation of women from his stand in the Supreme Legislative Council in connection with the Age of consent Bill (1891). The immediate cause for introducing the Bill was that in July 1890 a child wife in Bengal succumbed to premature consumation, and the court found itself unable to deal with the case The Bill provoked strong opposition both in the Council and outside. Tilak led the opposition. Its chief proposals were that intercourse with wife under 12 years of age should be made penal and that in cases of infant marriage, the bride should be entitled to repudiate the mariage, if she so desired on attaining majority. Even the Cogress leaders felt that the support of the Bill meant the weakening of Congress influence not only with the orthodox Hindus but also with the Muhammadans, who were prone to take alarm at any infringement of marriage customs. But the Maharaja considered it to be a very sensible measure for "the growth of a virile nation".[8] He, therefore, supported the Bill. In his speech on the Bill Lord Lansdowne specially referred to the fact that the Bill had the support of men like "His Highness the Maharaja of Darbhanga, Raja Durga Charan Law, P. C. Mozoomdar and Dr. Rash Bihary Ghosh".

But a more important amendment moved by

Pheroze Shah Mehta for the removal of section 260 from the Civil Procedure Code relating to the restitution of conjugal rights was turned down, although it was supported by the majority of Hindu members in the Council including the Maharaja of Darbhanga. However the following extract from the speech of the Maharaja makes it abundantly clear as to what he felt on the subject :—

"In fact I believe there are certain cases in which it is found that the orthodox Hindu community would only be too glad if this law of imprisonment is done away with. For instance there might be a case in which the husband or wife might have changed their religions. In all such cases I think every orthodox Hindu will agree with me in thinking that the husband or the wife should have full liberty either to live together or not as they please. Then, again, there are cases where the husband or wife might be suffering from infectious diseases, or cases where the wife might be subject to very cruel treatment from her husband. In all such cases I think it is our duty to protect the wife, and I think the orthodox community as a class would not object to restrictions being put on the powers of the courts to imprison unwilling wives or husbands as the case may be".[9]

The amendment had been opposed by Baba Khem Singh Bedi of the Punjab, Babu Mohni Mohan Roy and others who were very much scared by the Rukmabai-Dadaji case of 1886, in which the issue was the husband's plea for restitution of conjugal right. It had created a great sensation at the time. Rukmabai's argument was that she was married to Dadaji without her consent, and she should not therefore be forced to live with him. But she lost the case in the High Court.

The Maharaja early became acquainted with some of the defects existing among the Shrotriya (*Soti*) section of the Brahmanas to which he himself belonged. In his diary of 4 May 1879 he records the following :—

"There was a most indecent row in my Verandah this morning. A lot of *soties* have been bothering to see me. I am much against seeing them often. In fact I would like never to see some of them at all. These are men of very low births and insist on thinking themselves my equals. I am gradually giving them the cold shoulder,

The row originated in the following way. The Bittho *Soties* headed by a man named... ....began speaking a lot of offensive things to other people. I hear that in every *Bhoj* (feast) in the *Dehat* some sort of row always occurs.

The few *sotics* who are really gentlemen by birth and position are not liked by the rest who are nearly all uneducated and these people always quarrel with gentlemen *soties*. They think that gentlemanliness consists in being of high *Loukits* and not being of high family or education. They even look down upon pandits.

My plan is to see them once or twice every week for about 15 minutes in a sort of *Am Durbar*."

The high caste Hindus observed great caution in matters of eating and drinking. For a long time they did not eat sugar. Even to this day there are old ladies in the interior of Darbhanga district who would use molasses for religious purposes, and not sugar on the ground of its supposed impurities. From a letter of John Reed, Manager of the Cawnpore Sugar Works Ltd., dated

11 August 1896, it appears that in this respect also the Maharaja was to take the lead. The Maharaja was assured that "this company was founded with one of its chief objects to manufacture sugar for Hindu consumption without the use of any animal or other substance prejudicial to the observance of caste traditions in the process". Some sample packets of sugar were also sent to the Maharaja with a request to send some of his representatives to see the whole process of manufacture with their own eyes for the sake of satisfaction and patronisation.

Maharaja Lakshmishwar Singh gave his full support to the sea-voyage movement led by Maharaja Kumar Benai Krishna Bahadur of Sobha-bazar, Roy Jotindra Nath Choudhary, Babu Nabogopal Mitter and others. Sea-Voyage is opposed to the injunctions of the *Shastras.* But the Maharaja's Hinduism was broad and generous enough to move in harmony with the requirements of the age. Moreover, it was a national movement aiming to preserve intact the sentiments of nationality in the breasts of those who might come in contact with foreign influences. It sought " to make the best possible use of those influences to harmonize them with national requirements, and make them, instead of a disturbing, a consolidating element in our system".[10] The Maharaja had already supported an almost similar move on the part of the Poona Sarvajanik Sabha in 1882 to send every year some meritorious Indian students to England for higher education so that they could successfully compete with Europeans who had monopolised all the lucrative professions in this country. A time came when the Maharaja himself planned to visit Europe. We quote the following extracts from the unpublished autobiography of the late MM. Dr. Ganga Nath Jha, which give an interesting account of this event in the Maharaja's life.

"Having treated the Maharaja for some months the Doctor (Coates) told him that the best course for him would be to take a course of treatment at Carlsbad where the course consisted of some 'baths' in hot springs. He told the Maharaja, however, knowing and sympathising with his orthodox views that there were hot springs in India also, which might be equally beneficial. Thereupon he got for the Maharaja all the books that were available dealing with these Indian hot springs. The most suitable amongst these happened to be one situated in the Kangra Valley known as Manikarna, but there were no suitable houses available at the place. So ultimately the Maharaja had to decide to go to Carlsbad.

There was, however, a great difficulty in the way. The Maharaja had great regard for his uncle, B. Guneshwar Singh who was the pillar of orthodox in Mithila and orthodox people were dead against sea-voyage. The whole scheme, therefore, was to be kept secret. The only persons to be taken in to the secret were the Maharaja's young cousin Sri Nandanji, Babu Keshi Mishra and my self, besides of course Maharaja's own entourage which was to consist of Dr. Coates, my brother Vindhya Nath, Bhola Babu, the elder brother of Keshi Babu and a cook in the person of a high class member of our community, named Manabharana Jha of the village Mahrail and about half a dozen personal servants of the Maharaja. Berths were engaged in the Italian steamer, *Rubattiner* under the name of 'Raghubanshiji and party (Raghubanshiji being one of the Maharaja's own earliest pet name)'.

The Maharaja himself was very orthodox in his ways; therefore, arrangements had to be made for a regular Indian kitchen on the steamer and for this purpose two or perhaps three of the cabins had to be turned into one, filled with earth and so forth; for all of which a sum of Rs. 10,000/- was paid. The party was to sail sometime in May or June and the arrangement was that people in Darbhanga were not meant to know where the Maharaja had gone, Srinandanji with Keshi Babu and myself were to form the communicating link, having an establishment in Panchgani near Mahabaleshwar in the Bombay Presidency, where a house was taken on a monthly rent of Rs. 500/-. All communications meant for the Maharaja and his party were to be forwarded to us and we were to forward them to the Maharaja at Carlsbad. Similarly the communications from Maharaja and his party were to be sent to us and forwarded by us to Darbhanga. In urgent cases, where a cable had to be sent short code was fixed upon which I happen to preserve among my paper. It is as follows :—

(i)	How are people in Darbhanga	affinity
	How are you	friend
	All well at Darbhanga and no anxiety	my
	Getting better	all
	Getting worse	Cuckoo
	All well here	Colonel
	Every arrangement complete	Good
	When do you come	pen

D. M. angry again	Rain
Quickly	Red
Slowly	Cat
Is dead	Phantom
Is ill	Dog
Complained against you	Back
C. S. Bose	M
Williams	G
T. P. S.	B
Grand Mother	one
D. M.	two
Bari M.	three
Chh. M.	four
Will start soon	Lace
Uncle	K
Raja	D
Raghunandanji	L
Raising Caste Question	Colour
Sotees	Day
Public	Night

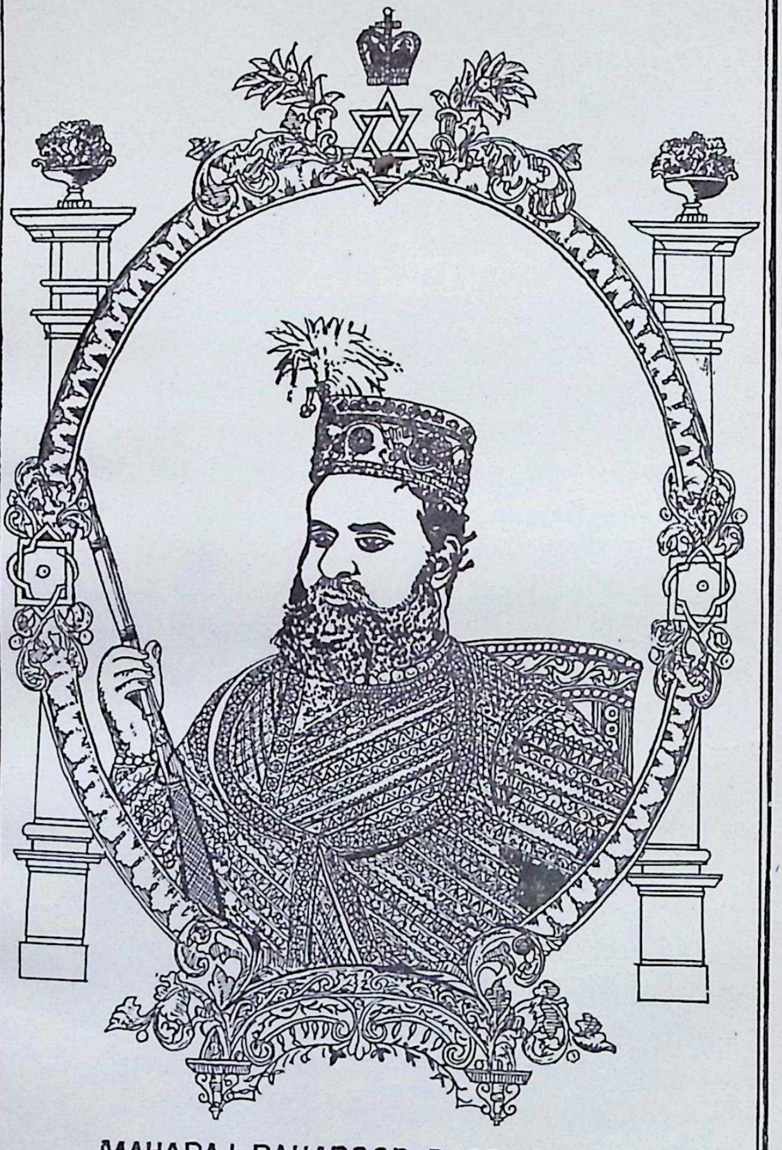
For cases not covered by this code we devised a separate code of alphabets as follows :—

(ii) a—x
b—Z
c—M
d—T
e—y
f—I
g—K
h—N
i—P
j—W
U—O
O—S
V—R

The latter, however, had to be dropped as the Telegraph office would not receive a message worded in that Code.

All arrangements were complete and two days before the Maharaja was to leave my brother was sent ahead to Bombay to make the final arrangements for the voyage. I saw my brother off at the Darbhanga Station and informed the Maharaja that he had left. Next morning, however, at the crucial moment the Maharaja's courage gave way. He called for me and told me that though he had made all arrangements he felt that he would not do an act which would seriously outrage the feelings of his uncle, as sooner or later it was sure to be known that he had gone to Europe. He told me to inform Dr. Coates and ask him if he liked to proceed to Europe with his family utilising the shipping accommodation that had been arranged for the Maharaja's party. I went over to Dr. Coates and told him everything. He was taken aback, but with characteristic tolerance said—'I respect the Maharaja's regard for his aged uncle and accept his decision. I have, however, to go to Europe; so go I must. I shall be glad to take advantage of the Maharaja's offer.'

It was sometime during this year that another incident occurred which throws light on the amount of confidence that the Maharaja had in me at this early age. The Maharaja wanted that a large number of Indians should join the I. C. S. At that time there were no examination held in India and the few Indians like Ramesh Chandra Dutt, Surendra Nath Banerjea and others had to go to England for the purpose. The Maharaja's plan was to send a few young boys to England to study and then to compete at the examination. The age-limit at that time was such that I had gone beyond it. But in order to see that the boys did not go astray in England, it was decided that I should be sent there to supervise their work and life The Maharaja was to bear all the expenses. Somehow or other this plan also did not materialise; the chief reason was that a sufficient number of boys were not forthcoming."



MAHARAJ BAHADOOR DARBHANGAH

CHAPTER VI

MAHARAJA : THE MAN

"I WOULD HAVE THANKED MY STARS HAD I BEEN DESCENDED FROM POOR PARENTS". ----- LAKSHMISHWAR SINGH

To assess correctly the works of Maharaja Lakshmishwar Singh we must keep in mind the age to which he belonged and measure his personality with the yardstick of the time. He started his public life with certain advantages. He inherited immense wealth which sustained his generous disposition throughout his life. He received a most liberal education and travelled about a lot, which broadened his views and enabled him to move with the time. But he had, likewise, some limitations too. He came of an orthodox Hindu family. This acted as a great barrier for him in openly undertaking revolutionary measures for effecting social reforms. He was the premier zamindar of the province. It undoubtedly helped him in entering the Legislative Council, as property was a requisite qualification for it, but it also acted as a strong check on him in taking to party politics very openly against the government. Besides, he kept a very indifferent health at least from 1889 onwards, which often made it impossible for him even to attend to his normal work.

From his very childhood Maharaja Lakshmishwar Singh showed signs of remarkable promise. He had the advantage of receiving instruction under the able guidance of some of the most renowned educationists of the time. They developed in him a taste for wide reading. There was a complaint that though he had received a very fair English education his tutors, specially Alexander, had erred in introducing him to metaphysical works far beyond the comprehension of child of his age, and more important branches of education had not been given sufficient prominence.[1] But actually his interest was varied. History and science, of course, were his favourite subjects. In his letters to Vindhyanath Jha we get ample references to his interest in History. He had to purchase a piece of land at Sultanpur. Apart from other considerations for his liking of the site he wrote the following : "The Vyndhya mountains are on the bank of the Ganges and that makes it a sacred place. And I have besides a theory that Buddha passed some months in doing penance at either this place or Bataisli. This is a very great attraction to a sentimentalist and a student of Indian History like myself .. .. ."[2]

Again in a letter from Poona, where he had gone for medical treatment, the Maharaja wrote the following regarding the antiquity of the place he was putting up : "we were lodged in a *veda* belonging to an old Marhatta chief who goes by the name of Raja Bahadoor. The old gentleman is a splendid speciman of his class that are now rapidly disappearing. He speaks Urdu fluently like the Indore people and deplores the apathy and dislike of his people to studying Indian languages. His family is older than the Peshwa. He belongs to one of Ashtapradhan noble families created by Shivaji. In former days the whole of the country about Nasik belonged to him and the family was considered to be one of the most wealthy and influential families in these districts. But

Inam commission without any rhyme or reason confiscated nearly the whole of his lands. The plea for confiscation was that the lands in question were no gifts, but held in lieu of wages. And the word *watan* in the Sanad, was a clerical mistake for the word *wetan*. Of old Marhatta History and tradition he is a regular............... and I was extremely charmed with this old gentleman".[3]

Once the Maharaja fell seriously ill and was advised complete rest by the doctor. He wrote to Vindhyanath Jha that his political work would be suspended for some months Nor would he attend to the work of zamindari management. As for his engagements he thought of shootings, gymnastics, etc. And "as far as intellectual recreations are concerned I have not given up the idea of writing a series of articles on Lord Elgin's administration. I am also jotting down certain notes which I have to publish at some future time in the form of Reminiscences".[4]

We have likewise plenty of evidences to show the Maharaja's great love of science. It has already been mentioned that in founding annual prizes for best original books in Hindi he had fixed up the highest prize for the best book on science. In 1884 he donated a sum of Rs. 12,000 to the famous Calcutta Madrassa for the creation of two scholarships for the study of Medicine or Engineering[5]. In 1897 he presided over the prize ceremony of Ripon College, Calcutta, and announced a donation of Rs. 2,000 for the improvement of the College laboratory.[6] The *Hindu Patriot* of 9 June 1889 contains the following interesting news item:—

"His Highness the Maharaja of Darbhanga with his usual love of science and liberality has indented one of Edison's phonographs—the first that has been brought to the country—through Messrs Smith Strnstreet and Co., and has presented it to Father Lafont. A successful experiment was made on Saturday last by the Rev. Father and those present were highly satisfied with the results".

Father Lafont, a great scientist, was the Principal of St. Xavier's College, Calcutta. The Maharaja had engaged him as a private tutor to teach science subjects to his cousin Janeshwar Singh alias Shreenandanji. Father Lafont did not keep the phonograph to himself. Instead he proposed to give seances to select parties of 20 twice a week. For the first four seances a fee of Rs. 5/- each was to be charged, and later it was to be reduced to Rs. 2/-. The proceeds accruing from this source were to be devoted to charitable purposes.

The Maharaja founded Botanical and Zoological gardens at Darbhanga, which were very rich in their collections. He also subscribed to the funds for the development of the Zoological gardens of Calcutta. He was a successful cattle and horse-breeder.

This love of science had perhaps developed in Maharaja a scientific approach to all matters. The following extracts from his letter to Vindhyanath Jha would make it clear as to how he approached a subject:—

"I went to hear Mrs. Besant's lecture Yesterday at the Town Hall. It was indeed a very eloquent and learned oration. The subject was *Materialism and Science*. It was a remarkable effort. The first part of it was very well reasoned and unanswerable. But this effect was rather marred by her attempts in the latter part of the speech to defend Madame Blavatsky. The lecture was supposed to be reasoned strictly scientifically and no doubt it was a very clever essay, though the peroration in the end appealed more to the heart than the head in Surendro's style and was not worthy of the learned lecturer. The attempt to prove the power of the will to...........matter was failure. A series of experiment in a small island before a select audience was mentioned. The question however which at once suggested to me was, why were these experiments performed before only a select company ? Science does not work in the dark. However, on the whole I was satisfied that I had spent a very instructive two hours. And I admire the woman's honesty of purpose, independence and energy. I drove her home in my carriage".[7]

In another letter the Maharaja further informed Vindhyanath Jha about Madame Blavatsky : "I believe there is a great rompas in the camp of Theosophy. People have come forward who declare they saw her servants assisting Madame Blavatsky at many of the miracles. Her sudden departure from India is still doing a lot of harm to Theosophy. *The Morning Post* is publishing a series of very strong articles and no body has yet taken the trouble to answer them at all properly. Hume says Mdm. Blavatsky was........"[8]

The Maharaja had a remarkable mastery over the English language. His contemporaries, Indians and Europeans, were all full of praise about his wonderful proficiency in a foreign language. But the Maharaja would not boast of his English. On the contrary he was conscious of the fact that English being a foreign language he might commit mistakes and therefore did not hesitate to get his important statements etc. to the press corrected by some Englishman. Thus in a letter of 11 September 1893 to Vindhyanath Jha he wrote: "I am writing a letter to the *Times* in answer to Elliott. If I can finish it in time, I will send it to you to be approved of by Miller, and you can send it on by Tuesday's post. It is most essential that an answer should be sent at once. But I have no objection to a week's delay. I do not pride myself on my English like some of the Bengalee Babus. I am a foreigner, and I would therefore prefer its being seen by an Englishman before I send it to the *Times*".

Referring to the educational accomplishments of the Maharaja, the Editor of the *Bihar Times* observed: "His Western education was all that ought to have delighted the heart of the most exacting head of any aristocratic house in England to see his ward go through; his readings were varied, extending over the principal departments of Western learning; and he had drawn a valuable fund of information from them which sparkled in his writings and speeches. But while absorbing all that is best and noble in Western learning he did not forget that he was also a Hindoo, and his Western training was but superimposed upon a national basis".[9]

Maharaja Lakshmishwar Singh's literary tastes found a vent in the establishment of a first rate library at Darbhanga, where he knew not only the name of every book upon the shelves, but himself supervised their selection. This library, popularly called the Raj library, is still considered to be one of the best libraries of the country. The Maharaja began to collect round him quite a large number of books ever since he ascended the *Gaddi* or even before but they were kept in the palace itself. It was in the year 1893 that the library began to function as a department of the Raj. By then the collection had swelled so much that to keep it still inside the palace was proving very cumbersome. There is an interesting story in connection with its enrichment. The work ·had been entrusted to MM. Dr. Ganganath Jha, who took it up with great celerity. Parcels of books costing lacs of rupees began to arrive from England and other places. Mr. Bell, who was then a manager of the estate, was not very happy with this literary indulgence of the Maharaja. Once when almirahs were requistioned he was a bit annoyed and said that he was unable to cope with the onrush of books. When it was reported to the Maharaja he is said to have thus retorted : "Tell Mr. Bell that Maharaja does not mind the amount of money spent upon books and hospitals". The wide range of subjects and the fine collection on each of them truly reflect the varied tastes of its builder. Perhaps the last important acquisition made to the library by the Maharaja was the complete set of Hansard's Parliamentary debates. In 1898 Messrs R. Cambray & Co. of Calcutta informed him about the sale of the set, in all 450 volumes (from 1066 to 1898), of the late Right Hon'ble W. E. Gladstone, for a lump sum of Rs. 4000. The letter bears the initials of the Maharaja with the remarks : "This is very important. Put up before me tomorrow". The necessary order was placed on 24 September 1898 and the books arrived at the library on 20 January 1899, a month after the Maharaja had passed away. It is said that he intended to convert it into a public institution once it reached a certain degree of development. He had perhaps the noble example of Khuda Bakhsh before him, who had made over to the public the whole of his library (Oriental Public Library) by a trust deed on 29 October 1891.

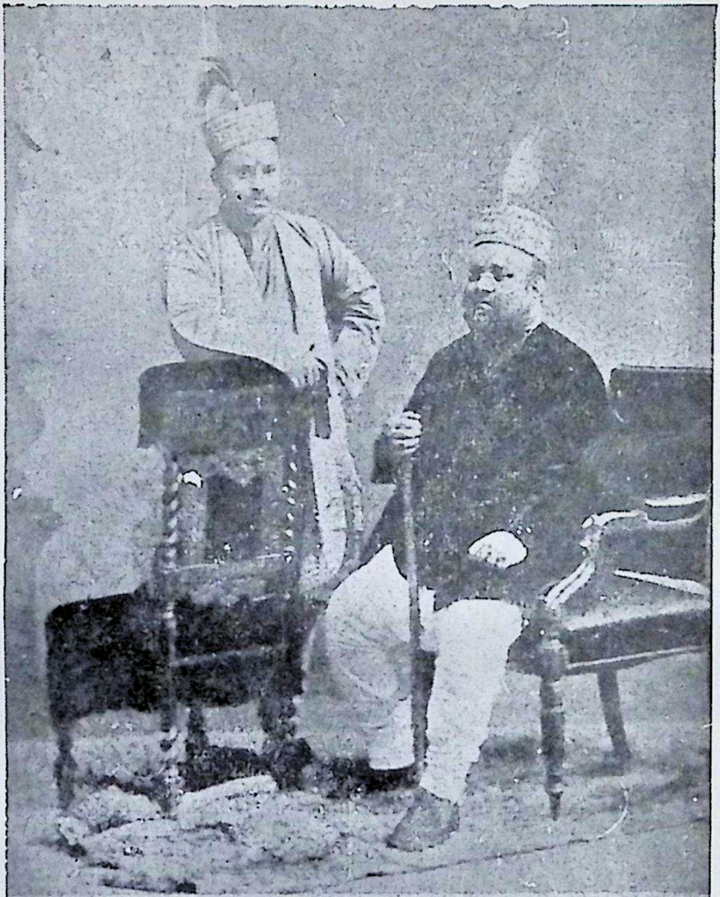
A striking feature of Maharaja Lakshmishwar Singh's character was the transparent love he bore for the country. The Editor of the *Amrita Bazar Patrika* writes that "When one day we were talking to him the sorrows of our country, he (the Maharaja) burst into tears".[10] Having read the history of advanced nations he was a confirmed believer in India's right of self-government. Ever a friend of progress, he had been in thorough sympathy with the progressive classes in India in their aspirations for political reform. He was fully conversant with not only Indian politics but also with the British party politics. As such he was always approached by political leaders for his sympathetic and intelligent advice. As a matter of fact he was the real backbone of all the contemporary movements either for social progress or political advancement of the country. There was hardly any political question of importance of the time in which he had not been consulted. No doubt he kept amicable relations with the rulers of the land but he never forshook the cause of his country. He struck to the Congress even when it was dangerous to do it. More than once high officials of the government suggested to him the impropriety of a great zamindar like him helping the Congress. But he remained unmoved and continued his help to the Congress, and as enormously as before. His role with regard to other national movements like the Sea-Voyage etc. on the social front has already been referred to. If he associated himself with "organising measures for the proper celebration of the Diamond Jubilee of Queen Victoria",[11] he was also the President of the Reception Committee organised to accord a fitting reception to Swami Vivekanand on his return to Calcutta from America via Madras in 1897.[12] He had the rare distinction, among men of his class of sitting as the people's representative in the Supreme Legislative Council. Even as a nominated member of the Council he often claimed himself to be the spokesman of his people and strongly opposed some of the clauses of the Bengal Tenancy Bill as he sincerely felt that they would unnecessarily cause bitterness in the relationship between the zamindar and his ryots, and would do good to neither He was not prepared to concede that a foreign administrator could be a greater sympathiser of his people than he. And his unanimous election as the first elected member to the reformed Legislative Council thrice (in 1893, 1895 and 1897) only proved the rare confidence that he enjoyed of his countrymen. He had thus the rare honour of fighting their battles as a man of the people. There he exhibited, as he did in other spheres, a rugged independence and fearlessness of character, which did not allow him to suppress his opinion in defiance to authority; his genuine public spirit compelled him to defend popular rights with all his might. His strong but dignified opposition to the Ilbert Bill, the Sedition Bill and others in the Council, won for him the sincere admiration of all his countrymen R. C. Dutt writes : "The Maharaja of Darbhanga feared no living man and courted favour from none; and when he considered it his duty to help his educated countrymen in organising means to express their views on public measures he rendered them help which will live in the grateful recollection of the people of India".[13]

MM. Dr. Ganganath Jha has given in his autobiography an interesting account of the Maharaja's activities in the Supreme Legislative Council and the annoyance and displeasure of some government officials on account of his bold assertion of his point of view. He knew not what kotowing was. He was never cringing even to Lieutenant Governors or Viceroys. "The Maharaja was spending the greater part of his time at Calcutta, having become a member of the Imperial Legislative Council of those days and specially busy with Bengal Tenancy legislation....It was during these controversies that the Maharaja became famous as a politician, free from the abject fear of Government that used to be the characteristic feature at the time of our prominent Indians, specially landlords. He expressed his views so fearlessly that the Viceroy, Lord Dufferin, who took a kindly interest in the Maharaja told him after one of his speeches, that his hot young blood sometimes carried him too far."

Yet another incident is related with Dr. J. M. Coates. On his retirement from the Principalship of the Calcutta Medical College the Maharaja engaged him as his personal physician. Being an Irishman he was very pro-Indian. MM. Dr. Ganganath Jha has given an account of the incident that took place with Dr. Coates : "we had all assembled at the great Sonepur fair which at that time was regarded as one of the most important fairs in the country. Even the Viceroy came sometimes. The Lieutenant Governor at that time of Bengal was Sir Charles Elliott. He had fallen foul of the zamindars led by the Maharaja of Darbhanga because of their agitation against some of his proposals. He made this a personal matter between himself and the Maharaja of Darbhanga, to the extent that when he was going on tour about that time he refused to stay at Darbhanga as the Maharaja's guest as usual. The Maharaja of course did not mind it; but curiously enough the local officials at Muzaffarpur could not find any house suitable for the Lieutenant Governor during his tour and they had to appeal to the Maharaja who owned at that time all the suitable houses in the city. The Maharaja naturally declined; saying that when the Lieutenant Governor had refused his hospitality in his own town of Darbhanga he saw no reason why he should receive him as his guest, at Muzaffarpur. When negotiations were going on this point, one morning at the race course, Dr. Coates was loitering about accompanied by my brother, myself and Babu Janeshwar Singh........... He was suddenly accosted by Mr. Dalton who was a senior civilian, the Collector of Darbhanga at the time, and asked him why is the Maharaja behaving in this unreasonable manner ? The Doctor replied—'I see nothing unreasonable in his behaviour; it is perfectly right and proper'. The Collector flared up at this and said—'The Maharaja has always been disloyal to Government. He had become more disloyal since you joined his service.' I perfectly remember the scene; the Doctor pulled up his sleeves and said 'you sneaky Civilian, what you say is a lie. The Maharaja has never been disloyal to Government. He has been only honestly expressing his opinions for the good of his country and if any one is disloyal to Government it is you Civilians who will ultimately ruin the British Government in India'. At this chiding Dalton quietly slunk away. But the matter was not left there. My brother crossed over to Patna where the Maharaja was staying and told him all that had happened. The Maharaja wrote a long letter to Mr. Henry who was Inspector-General of Police at the time and was an old friend of the Maharaja on account of his having been Private Secretary to a former Lieutenant Governor, Sir Ashley Eden who had much helped the Maharaja and his whole family in his domestic affairs. This Mr. Henry explained the situation to the Lieutenant Governor Sir Charles Elliott, and poor Dalton was severely reprimanded, of course unofficially and as an outcome of all this the Lieutenant Governor stayed both at Darbhanga and at Muzaffarpur as the Maharaja's guest".

Liberality was another prominent trait of Maharaja Lakshmishwar Singh's character. His generosity was as unostentious as it was boundless. His philanthropic bounties extending over various department of public life were mostly unknown to the public and secretly administered. Nothing was perhaps more repugnant to the nature of the Maharaja than the vain display of one's own deed. Some idea of the fabulous figures his total charities must have reached is gained from the fact that his publicly announced charities totalled over two crores.[14] To him charity was a pleasure in itself, and he never liked its value to be diminished by the desire for public fame.

Honesty and straightforwardness were other features of the Maharaja's character, which were amply



MAHARAJA SIR LUCHMESHWAR SINGH BAHADUR, G.C.I.E., OF DURBHUNGA, AND HIS BROTHER THE PRESENT MAHARAJA SIR RAMESHWAR SINGH BAHADUR, K.C.I.E.

From a photograph by Messrs. Johnston and Hoffman, Calcutta.

[To face p.

demonstrated throughout his public life. One of his European colleagues in the Legislative Council is reported to have once remarked : "He (the Maharaja) was straight as a die and was incapable of a dishonourable act".[15]

Maharaja Lakshmishwar Singh's private life was also an exemplary one. Although he lost his father when he was hardly two years old, his uncles' unbounded affection never let him feel the absence of a loving father. He often refers to this fact in his letters. Naturally he too held them in utmost reverential regard. The Maharaja who did not care a fig for the displeasure of the highest government official in the country abandoned his cherished visit to European countries just to respect the religious feeling of his uncle. Needless to say that he received plenty of love from his mother. For reasons the relationship with his younger brother became strained for sometime but the Lieutenant Governor Sir Ashley Eden helped to remove misunderstanding and restore cordiality between the two brothers.[16] From the letters of the Maharaja it is clear that he mostly consulted his younger brother in important matters connected with the cadastral survey and assigned to him onerous tasks of trust to perform. Of his other near relations his first cousin Janeshwar Singh alias Shreenandanji enjoyed his affection most. Shreenandanji was the younger son of Netreshwar Singh, the third son of Maharaja Rudra Singh. His elder brother was Ekaradeshwar Singh alias Raghoonandanji. At the time of his death Netreshwar Singh had nominated the Maharaja to be the guardian of his minor sons. The letters of the Maharaja show

how anxiously he wished to provide the best possible education for Shreenandanji. He was kept at Calcutta for a long time and the great scientist Father Lafont was engaged as his private tutor. And for teaching Sanskrit the Maharaja kept with him his best Pandit MM. Chitradhar Mishra. When Dr. Coates was appointed as the personal physician of the Maharaja, the latter voluntarily took up the teaching of English and English literature to Shreenandanji. In one of his letters to Vindhyanath Jha the Maharaja wrote the following about Shreenandanji :—

"Shreenandanji is now in regular harness, Wilson of the Presidency College gives him two hours lessons in English in the morning and a pupil of Father Lafont teaches him Physics and Mathematics in the middle of the day. Wilson's chief effort is to make him compose English properly and so........has to pass sometime in composing essays and letters on subjects given to him by Wilson, a thing which he finds very different to the old Doctor's free and easy system. He besides this is being taught Macaulay's essays. As soon as the College opens he will have to attend the science lectures at the St. Xavier's College in addition to his two hours with Lafont's pupil. In a week's time he is going to commence Sanskrit poetry and am trying hard to get him a good Frenchman to teach him French".[17]

Again in a letter of 1891 the Maharaja wrote : "Shreenandanji went to circus yesterday afternoon. He says it is a very good circus, though for some reason or other he seems to be very much disgusted with lions. He first of all said that they were doing too much of *chee*

chee. But when I told him that I had never heard of their doing *Chee Chee* he said, that by *Chee Chee* he meant that they roared and their roar was very disagreeable to his ears. Lions, however, are always expected to roar and I have never heard of a lion or tiger's doing *Chee Chee*. It is impossible. So you see that the defects of the lions are not clear to my mind. The Doctor is stopping in........to the skies. But I am afraid the boy is taking advantage of the Doctor's good nature. He certainly works very little, and is always skylarking and sight seeing. With all this however he seems to have improved in his general knowledge. He seems to keep the accounts very well. In fact very much better than Misserji would have done. At least economy is always strictly seen to and so as usual, he is making himself useful but shirks book-work".

MM. Dr. Ganganath Jha writes in his autobiography that "for a long time the idea was prevalent that he (the Maharaja) would appoint him (Shreenandanji) as his successor to the Raj. We heard it as a rumour that he did not actually do it only because eminent lawyers advised him that under the law and his family custom he could not do it. Any way the boy remained with the Maharaja at Darbhanga till death of the latter in 1898, and as soon as he grew up and had read sufficiently he became and remained the most trusted Private Secretary to the Maharaja".

The Maharaja was, however, not very much pleased with the elder brother Raghoonandanji. On 6 December 1891 he wrote to Vindhyanath Jha : "I am going to write to Chander Babu to let you examine the Barahgoria accounts. I think it will be better for you to wait and see me before you open negotiations. Raghoonandanji is the son of my uncle and aunt. He is no doubt a scamp but my uncle and aunt were both very good to me. And I therefore, wish things to be managed as pleasantly and smoothly as possible and I will take extreme measures only after I am fully convinced that in self defence I have no other alternative but to fight. At the same time he must distinctly understand that his brother in addition to his being the son of my aunt and uncle is also my ward and that I stand to him in *loco parentio*".

Vindhyanath Jha and Dr. Ganganath Jha also enjoyed the Maharaja's affection in no small measure. Dr. Ganganath Jha has given a detailed account in his autobiography of the Maharaja's great care for his sound development, both educationally and physically. Later he also was one of those who enjoyed the confidence of the Maharaja. He rendered valuable services to the Maharaja in building up his library. But his elder brother, Vindhyanath Jha was treated by the Maharaja more as a friend than an employee of the Raj. In 1889 he joined the Raj service on the special request of the Maharaja. The following letter would show as to how Vindhyanath Jha came into the Raj Service and his early training in the zamindari management :—

1-2-89
9-30 P. M.

My dear Vindhyanath Babu,

As I have told you before I will always be only too glad to see you join the service of the Raj. It will always be a source of pleasure to me to work with one whose career I have carefully watched since a small boy and one whose education and conduct is in every way a credit to the noble family with whom he is connected and to those who like myself have had anything with your early training.

As regards the way in which you should enter my service, I think Mr. Llewhellin is the best person to give advice. It was he who supervised my zamindari training, and I have not slightest (doubt) that under him and with the assistance of Chander Babu you will get the best possible zamindari training. Any suggestion made by him for your beginning work I will only too gladly carry out, I will make it a point to tell him that you do not wish to have sinecure but to work in right earnest and I am sure that there are lots of ways in which we can keep you fully occupied. As regards petitions of ryots about which you mention in your letter, I do not think you will at present like it simply because I have for some years past been taking no petitions to speak of and what is more do not wish to do so for sometime to come. My health does not permit my being bothered with a lot of frivolous trash. You will therefore find little or no work to do if you wish to look after the petitions.

Sd/- L. Singh.

The correspondence of the Maharaja with Vindhyanath Jha shows that he had nothing to conceal from him. He was his Private Secretary in the true sense of the term The Maharaja used to write to him whatever occurred to him without any reservation or concealment. Sometimes he would write to him about most commonplace things like a railway journey from Samastipur to

Calcutta, a visit to Opera House, mushroom growth of houses on both sides of the Harrison road, Calcutta etc. But they all provide a very interesting reading, and also show the Maharaja's wonderful faculty of observation and remarkable mastery over English language. We quote here some extracts from his letters of various dates.

Extract from a letter dated 6-12-1891 :—

"I left Darbhanga by the night train on Tuesday. From Samastipur I had a special. I did after all manage to sleep like a top. I had purposely done a lot of walking in the day, and walking I think is better than any sleeping drafts. Besides, the seat in my carriage is a good, comfortable and broad one. The jolting when on the move and halting combined with the shouting of coolies, fruit-sellers, and *Pao Roti Biskoot Wallas* at the stations is bad enough. But all these are nothing compared to the narrowness of the seats. Bow windows can flourish only in places where there is plenty of room. In a crowded cities where you are cramped for room, houses with bow windows have to suffer. The same rule applies to human beings. I stopped for a day at the Ghat and reached here on Thursday morning."

Extract from a letter of 1893 :—

"We had a most unpleasant journey. At Mokamah we had absolutely nothing to eat for the whole day. I attribute this to my seeing that horrid old miser of Chanour at Semareaghat. For the whole day I had actually to content myself with chewing parched grams. Tiny Bhai and Mokoondie were both trying their best but on account of the rain and wind, cooking was an impossibility. At last in self defence we did the "Prayaschitta" of abusing the miser's better-half and........whole family. Then everything came all right".

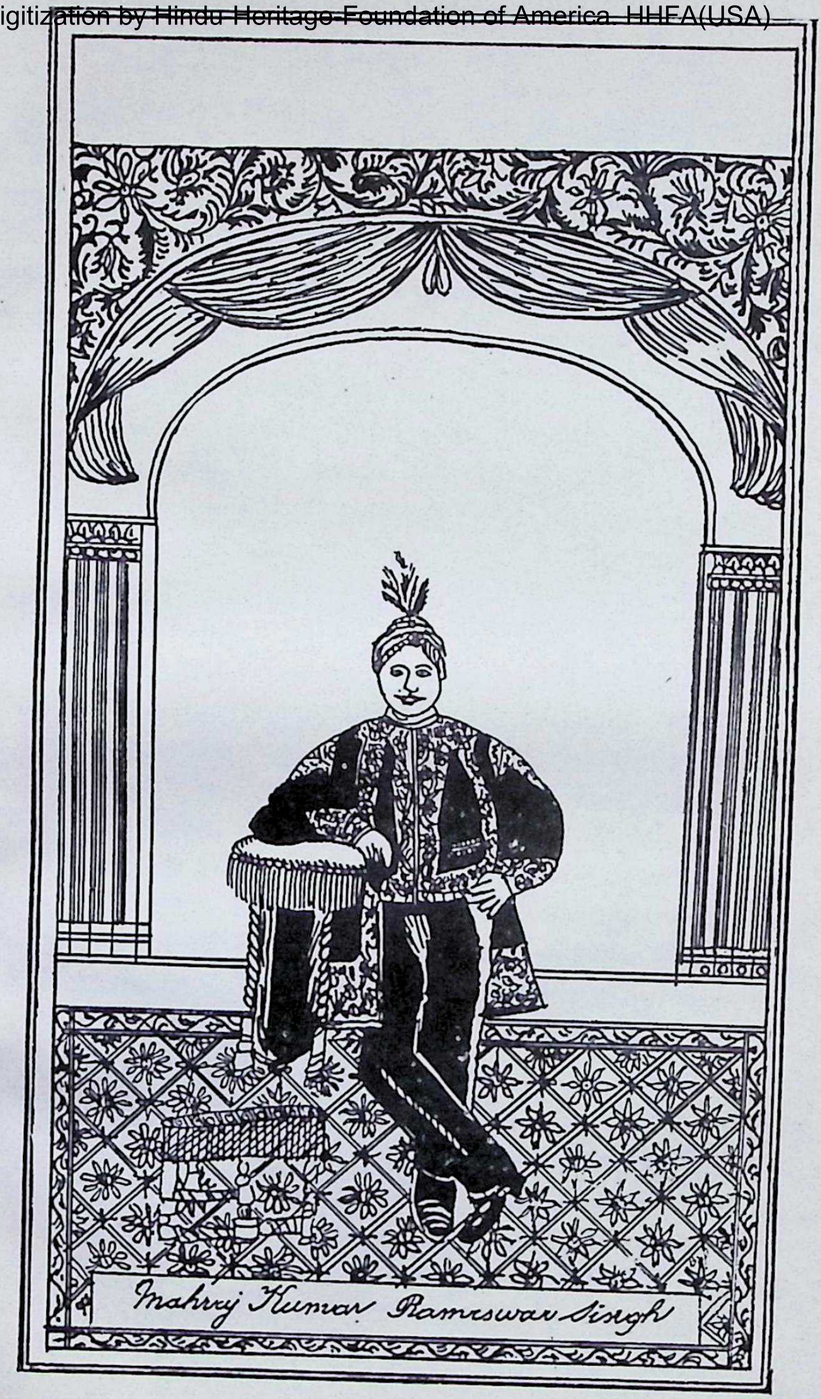
Extract from an undated letter, regarding the Opera House —

"They are very artistic and very pretty. Something like the Jhanhee's of Rasdhary only infinitely superior in beauty and conception. A few Jhanhees by the Opera Company of our Gods and our mythology will be I feel sure greatly appreciated by the native public and by specially those of deep religious turns of mind. There is absolutely no indecency, though some of them are a bit suggestive of the indecent. However all this is quite excusable. The whole effect is most beautiful and for Calcutta it is a novel amusement altogether".

Extract from another undated letter :—

"Yesterday I went for a drive through the new.... Harrison Road. Houses are springing up like mushrooms. In a few years this street will be the Chandani Chawk of Calcutta. I was glad to........that the houses are more the style of native architecture—high four story buildings with pretty wooden and iron balconies like the Bombay houses. There is a refreshing Hindustani look. A pleasing contrast to the Bengali Basties which either consists of low stinking dirty huts or big flaring clumsy buildings of the Bara Babu whose only object seems to be to give the passer-by an exaggerated idea of the owner's riches and want of taste. The ugly clumsy Anglo-Bengali style of Calcutta is being rapidly discarded and there is a very marked improvement based on our indigenous styles. The western of the road is a regular country bazar. I saw a number of gay coloured turbans and a number of prettily dressed young women coming back from the Ganges with veiled faces and the orthodox *lota* and flower basket. Most of the new houses belong to the Marwaries of Rajputana, the Oswal Banniahs, the Khatries and Prabhas of the Central Provinces".

Maharaja Lakshmishwar Singh possessed a rare acumen of appointing right persons for the diffrerent jobs. He knew well the merits and drawbacks of all the Raj officials and left behind a detailed instruction regarding each of them for the guidance of his successor. He treated his subordinates very kindly and forgave minor lapses on their part. In his diary of 24 Feb. 1879 he has recorded : "Raised Bhaio Pujari's Pay by Rs 2/8 as he has arranged the Sanskrit library so well, although he is one of the most conceited servants I have ever seen". But in cases of serious dereliction of duties he did not hesitate in inflicting condign punishment. A contemporary of the Maharaja cites an interesting case. There was a Raj officer who was in the habit of telling a lie. He was warned but to no effect. The Maharaja dismissd him from the Raj service. Then the dismissed official took the help of some favourites of the Maharaja for his reinstatement. Having failed to persuade the Maharaja they thought of exploiting the weakness of the Maharaja for the orphans, widows and poverty-stricken fellows. They depicted an alarmingly hopeless picture of the economic condition of the family of the dismissed servant. The Maharaja is said to have reflected for some minutes with a visibly marked anguish on his face and said, "I cannot take



Mahrrj Kumar Rameswar Singh

him back in my service, but I shall be very glad to give him a monthly stipend of twenty rupees a month till his children grow up. The man is a disgrace to the profession and I cannot reappoint him, for his bad example and poisonous contact will affeet the morale of my other officers".[18]

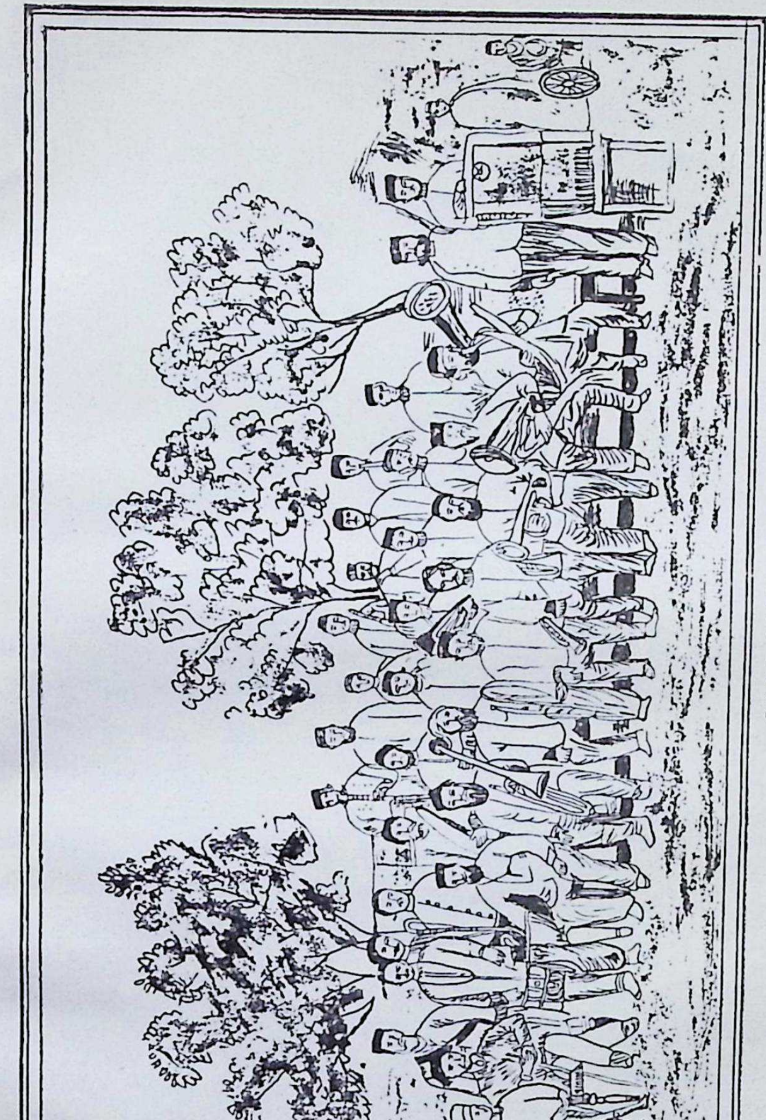
Maharaja Lakshmishwar Singh loved to lead a simple life, and it gave him much pleasure when he was able to cook his own meals. In matters of dress also he observed simplicity. There are some stories still current regarding the simplicity of his dress. According to one of these the Maharaja was once at the Mokamah Ghat railway station along with an officer of his. The spectators were astonished at seeing so simply dressed a Maharaja like that of Dardhanga. They could not help asking the officer accompanying him as to why the Maharaja wore so ordinary a dress. Overhearing their enquiry the Maharaja smiled and said, "I love it best". Then there is another story about his visit to a jeweller's shop. The jeweller, having taken notice of his simple dress, was rather reluctant to show him precious jewels. Thereupon the Maharaja is said to have offered to purchase his entire shop and gave him a blank cheque for the purpose. The jeweller was naturally very much upset and ashamed.

The Maharaja was very fond of children and many were the days when the Headmaster of the Raj School, Darbhanga, received orders from him to distribute sweets to his pupils and to grant them a holiday. It gave him great delight to converse and play with children, gaining their love and loyalty. He often visited the school and presided over the annual prize distribution etc. From a news report in the *Behar Herald*, dated 27 August 1898, it is learnt that he presided over the 14th anniversary meeting of the Students Association at Ramna near his palace on 21 August 1898. There was a large gathering of "ladies, gentlemen and students". The Headmaster of the Raj School, Kripanath Majumdar, was the President of the Association. Prizes in cash and books were distributed by the Maharaja for good conduct and best essays amongst the students. The Maharaja concluded the meeting at 8. 30 P. M. with a fine speech.

The Maharaja was a lover of music too. He had purchased some of the finest musical instruments then available, and employed the best musicians in the country. He had himself a developed taste for music, and the musicians were simply charmed in giving their performances before him.

He was likewise very fond of sports and horse-race. He maintained a stud for several years and the triumphs of the Darbhanga-Beresford Confederacy on the Turfs were remembered for a long time even after his death. On 1 January 1890 the Maharaja wrote to Vindhyanath Jha, "I have been very successful in the races. The Viceroy's and Maharaja of Coochbehar's cups have been won by my horses".

The Maharaja was a man of deep religious conviction. As a high caste Brahmana prayers and worship formed a part of his daily life. According to Sarat Chandra Ghosh, the Maharaja held one Swami Bhaskaranand of Varanasi in very high reverence. He is said to have once evinced a desire to become his disciple, but



BAND PARTY, DARBHANGA RAJ

the Swami did not agree. He said, "Maharaja, people consider me a renouncer of earthly joys and comforts. But I am far from being really so. Behold, how very eager was I to see you. It gives me infinite pleasure to talk with you. Are these signs of renunciation ? No, your duties lie in an altogether different direction". At one time he was perhaps drawn to the Tantric form of worship also. The autobiography of MM. Dr. Ganganath Jha contains the following about it :

"Mithila, like Bengal, had since ancient times, ever since Tantric modes of worshipping entered Buddhism, came under the influence of those modes. But the discipline prescribed in connection with that form of worship is so strict that it is practically impossible for an ordinary man to remain firm; hence in the past there were very rare cases of people who took to that mode of worship and therefore, retired from the ordinary family life, or if they remained in the common household they kept this absolutely secret, as strictly enjoined in the scriptures and did not allow it to be known even to their own nearest and dearest. Somehow Maharaja Lakshmishwar Singh came under the influeuce of some great teacher of this school and we were told that he had become initiated into the school. But we never suspected anything regarding the objectionable methods with which the system had been associated from the stupidity of its voteries. In fact so guarded was the Maharaja's behaviour in this matter that up to the time we were at College we used to deny stoutly his connection with it".

Unfortunately, however, the Maharaja never maintained a good health. He suffered from what was known then as Bright's disease. It was a sort of kidney trouble. Almost all his letters to Vindhyanath Jha contain some references to the state of his indifferent health. Some of these are so moving to read. The following extracts from some of his letters would give an idea of his protracted illness :

Extract from a letter of 1 January 1890 :—

"Since Friday last I have put myself under the treatment of Dr. Coates, the Principal of the Medical College. You will no doubt be sorry to hear that after examination they have found that most likely I pass over one ounce of albumen in 24 hours all of which ought to go for the nutrition of the........there are traces of Phosphates and blood in the Urine as well as........... This latter shows that the disease is chronic and has been in existence for more than three years. Dr. Coates does not give any opinion but from his conversation I can easily gather that he considers it a difficult but not dangerous case. Some people have advised me to go to Mc Connell but this I have not done firstly, because he is Babuji's doctor who knows all the newest discoveries etc. This to me means that though a good doctor he must be an experimentor as well and I do not wish to be ....".

Extract from an undated letter of the Maharaja :—

"I would not write to you anything about Poona except this that I like the place immensely and the climate at present exactly suits my constitution and temperament. I am certainly not so well now as I was when I first of all reached Nasik. But I am steadily picking up. The Civil Surgeon is treating. I used before to call on a Marhatta Doctor named Dr. Vishram Sholag who had got a great reputation. But somehow or other he was unable to diagnose my case properly. He prescribed a medicine nitroglycerine tablets which he told me to take as a substitute for Belladonna whenever I felt pain. But the very first time I took it, I felt a peculiar uncomfortable choking sensation. The attack lasted some hours. The application of heat made it worse. So I had to send for Dr. Greene (Colonel Sahib pronounces the name Greeni and says, "What is use of writing E, if I do not say Greeny ?) in the night. But a drink of cold water, & pankas gave me great relief. There was not much pain. I can only describe the feeling with the Hindi word GHABARAHAT The attack renewed on Monday last. Today is Sunday and I have had no relapse. The swellings in the legs practically disappear altogether for a few hours but they again reappear."

Extract from a letter to Vindhyanath Jha :—

"Many thanks for your telegram and letters. Please let me know all the details of those "awful rumours". Gilligan and others have been speaking and writing to me about them. But I really cannot make out who sets them afloat. The last time I was here I did not allow any visitor from Darbhanga to stop in my house except those in whom I had entire confidence. This time I have been rather (careless ?) about it. Disappointed suitors might have spread these reports. I am certainly not on the point of death, but at the same time cannot say I am cured. I still pass albumen which is not good, and am told that there will always be trace of it, as the disease has now become chronic. The quantity is very much less.

All this is giving me some cause of anxiety. But during the hot weather I was feeling very much better. Since the beginning of the rains I am again very much depressed and this is not owing to any new cause of mental anxiety. Dr Coates gave me some medicines which did wonderful good for a time, but he says I now need a bracing climate with plenty of exercise and light nitrogenous food. I am therefore thinking of either going to Simla or Cashmere, and will on my way pay a flying visit to Darbhanga. I have however made no *pucka* arrangement. The great difficulty is about a Doctor in the hills and in Cashmere many medicines cannot be procured at any cost. Besides, there is no chemical examiner either at Simla or Cashmere, and it is most necessary that an expert should examine the urine periodically as long as there is any trace of Bright's disease. The patient cannot feel it nor can doctors make out anything by examining the tongue or pulse. Bubuji was being treated by such a very clever doctor as Mc Connell and nobody even suspected that he was passing albumen till the other day, and then too after an examination Over and above all this a cold climate generally is not good for those who have got kidney disease, and whose kidneys have in consequence become weak. Patients of this class get aperient and sweating medicines so as to give the kidneys the least possible work. Cold however of itself makes the kidneys work more and then indirectly by diminishing perspiration it gives the kidneys extra work. Dr. Coates is going away soon. I wish then to have a consultation of doctors and then come to some of a speedy cure provided I undergo the proper treatment. Dr. Coates would, he thinks, find it impossible to bring round any other man in the same way as he did me. If I can only get rid of this albumen I will be able to get my life insured as a first class life. But in my case medication will not do so much good as change of climate and diet etc. All that is needed is to assist nature. The system itself being very strong it will itself throw off the disease and prevent all chances of relapse. He does not like these relapses and think that there is every chance of a relapse if I get cured by medication. Permanent cure means that the system itself should in a way grow out of this disease."

Extract from a letter to Vindhyanath Jha dated 13 May 1894 :—

'Just a line to thank you for your kind enquiries. I am afraid that instead of being any better, I am, if any thing slightly worse. I pass very large quantities of water and have to go to make water very often, a thing which I never used to do till I began this diet of milk. Cromble says that the milk is specially intended to work the kidneys and make me pass large quantities of water. So I need not be afraid. But my opinion is that the experiment has failed though I cannot blame Cromble for it. In the beginning he said it was only an experiment. It was oppposed to Dr. Coates theory of treatment which once did me so much good. His idea used to be to give as much rest to the weakened kidneys as he could. The proportion of ablumen to the urine is certainly less, but then the water passed being much more, the amount remains pretty much the same, and I have besides once or twice passed sugar as well as phosphates. So I think the milk diet has done absolutely no good. The proportion of albumen rises as soon as I leave off taking milk and water, and so the amount of the urine passed becomes less. From today I have put myself entirely in the hands of Dr. Mc Connell. The pains have disappeared since the last week. I have found that a judicious system of light dieting..............."

Extracts from an undated letter of the Maharaja :—

"............ no difficulty in taking an ordinary walk of an hour or two every morning or evening. Food in the same way must be taken constantly in small "Medicinal Doses" more to keep up the system than anything else. All this means my stopping constantly at the zoo or the Eden Garden, for the greater part of the day. It is a great bore and I will have I am afraid to do it. Anant Vehary Mishra tried his best for a month but there was absolutely no improvement except about the pains in the leg. Mc Connell is very angry that I stopped in Darbhanga during the rains. Last hot weather he did me a lot of good but he says the rain in the plains has undone all this. He refuses to have anything to do with me if I stop next year in Bengal during the rains. Ootacamand is the place he recommends. He also thinks Abu a good place as well as the dry climate of other places in the plains where the rainfall is small like Rajputana or Beluchistan. But the rains in Bengal is the worst thing possible for a man suffering from Bright's disease or Corpulence.

He is also dead against my bathing in cold water. But unlike Dr. Coates he allows me to bathe in hot water very freely in the early morning with the doors shut. In fact a part of his treatment consists in my wallowing in a big long tin tub of tapid water with a lot of sea salt mixed in it. I have to do this for fifteen minutes every morning Tell all this to Balbhadra."

Extract from a letter of the Maharaja :—

"What, however, I suffer from most are constant attacks of despondency. I can attribute................causes. Apparently the weather has something to do with them. The damper the weather, the worse I feel. There is no pain, fever, giddiness, or loss of appetite, but an intense feeling of apathy and disgust with the world and....... in general. For the time-being I never can look at the bright side of anything. Everything appears to me wicked and unpleasant. Nothing interests or amuses. All that I care for is being left alone. Too much sleep makes me more dull and despondent. The slightest contradiction irritates me most unreasonably............all this will pass off .... and I dare say has been caused by or is the after effects of the intense suffering that I have been suffering for such a very long time. With renewed health I hope to be able to shake it off completely. The Doctor advises complete rest and............that are both pleasant and congenial. This is difficult for a man like me who has got so many irons on the fire............".

The Maharaja's death though premature was not very unexpected. According to MM. Dr. Ganganath Jha some three years before when the Maharaja had a serious cardial attack the doctors from Calcutta, O' Connell and Russell had said that he could not survive longer than three years. Dr. Sarat Chandra Ghose has given the following account of the last day of the Maharaja.

"On the day he breathed his last, the Maharaja was seen to be out in his carriage. In the afternoon the

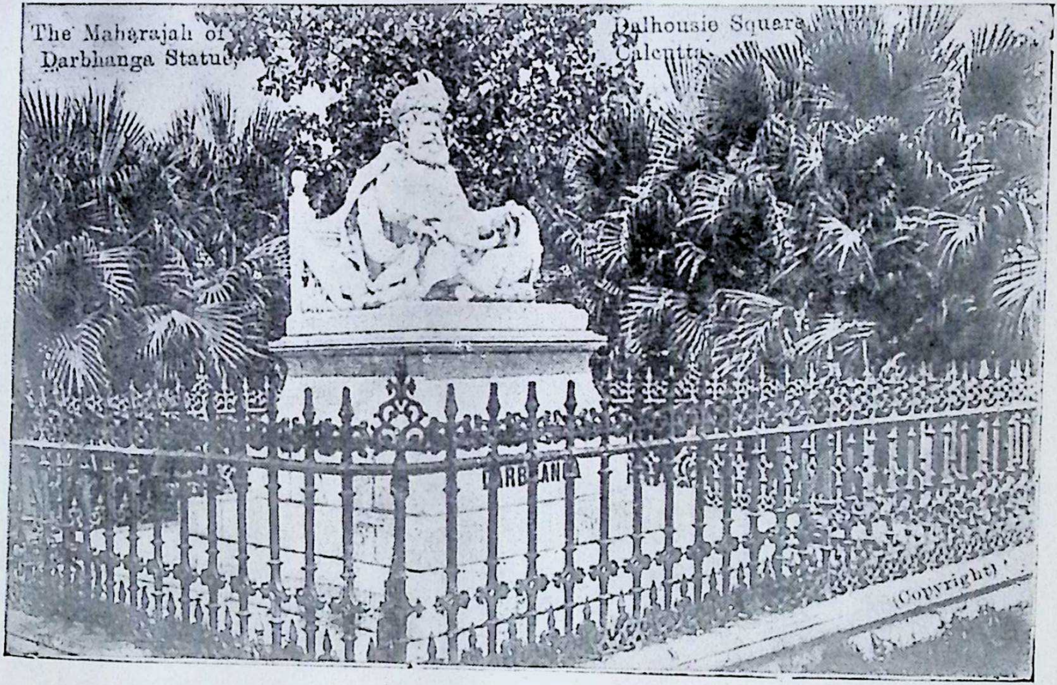
Maharaja fed his domesticated deer by his own hands and pleasantly talked with his relatives after the evening. In the evening he told his brother-in-law that he was exhausted by taking the walk and was feeling a little suffocation. A few minutes afterwards he expressed that he felt better. He had also the following conversation with his brother-in-law. 'Hear me, it would have greatly enhanced my pleasure and I would have thanked my stars had I been descended from poor parents, with no bodily ailment'. Thus conversing on diverse topics with him he took his supper and went to bed after 11 P. M. At about 2 A. M. he was called by nature and passed a natural stool. After his return he experienced a violent pain in his heart and uttering *Bara Darda* i. e immense pain he sat on the nearest couch. He suddenly uttered, 'my life is ebbing away, I shall not live'. After this he became senseless''.

And before the medical aid could be rushed to him he passed away (on Friday 16 December 1898). The news of his sad demise soon spread like wild fire all over the country. People of Darbhanga and neighbouring villages rushed to the palace to have the last *darshan* of their beloved Maharaja. Next morning the funeral procession was followed to the burning place (Madhaveshwar Asthan) by the entire elite of Darbhanga including the Magistrate of the district. All the public offices were closed on that day in memory of the departed soul. Meetings to condole his death were organised by the various public institutions all over the country. Messages of condelence were received from individuals also in large numbers. From the Congress platform the President of the Madras Session (1898) Anand Mohan Bose referred to the Maharaja as "one of the noblest and most illustrious of India's sons, illustrious not by birth and position alone, the premier nobleman of Bengal and the head of its proud aristocracy—but illustrious by that which is a higher nobility by far than that of birth and wealth, God's own nobility of a rich heart and rich service in humanity's cause. In the Maharaja of Darbhanga the British Government loses a loyal subject and perhaps the most trusted and honoured of its councillors, the country one of its benefactors and staunchest of the defenders of its rights, and the Congress a friend, a generous helper, a warm supporter none warmer—whose value no word that can fall from our lips can adequately express".[19] The Congress adopted the following resolution on the occasion: "That this Congress deeply mourns the great loss the country has suffered by the sad and untimely death of Maharaja Lakshmishwar Singh Bahadur and places on record its high appreciation of his ready and enlightened public spirit and his liberal and Catholic benefactions, and desires to give expressions to its feelings of gratitude for the generous and unfailing support which the Congress movement received at his hands".[20]

On the initiative of the British Indian Association a meeting of the citizens of Calcutta was held under the presidentship of the Lieutenant Governor Sir John Woodburn to concert measures for perpetuating the memory of the late Maharaja. As a result a marble statue of the Maharaja, designed and made by the distinguished sculptor Onslaw Ford of London, was erected in 1901 in the Dalhousie Square, Calcutta. The people of Darbhanga also raised a fund of Rs. 30,000 for setting up a suitable memorial at Darbhanga. But a portion of the fund was utilised for the Calcutta memorial, and only a Dharmashala was erected at Darbhanga. It was formally opened by the Lieutenant Governor Sir John Woodburn.

In 1919 a public library was set up at Darbhanga and named as "the Lakshmishwar Public Library". It was at first run on subscriptions from the generous and public spirited persons of the town. In 1929, however, the late dowager Maharani Lakshmibati through her brother and manager, the late Rai Bahadur Shreenath Mishra extended her patronage to the institution and an impressive building with a big compound and out houses, with an endowment of some landed property was assigned to the library under a Trust deed.[21]

Thus with the death of Maharaja Lakshmishwar Singh passed away one of the brightest luminaries of the second half of the 19th century from the Indian scene. A foremost nationalist of the time he always kept national interest uppermost in his mind, and never allowed his vision to be blurred by narrow regional or sectarian considerations. He was proud of his country's glorious past, and associated himself with the activities of the political organisations operating in other parts of the country also. In the Legislative Council also he viewed every measure, with a strictly nationalist's view-point. The same consideration led him to take up so early some suitable measures for the promotion of the national language, Hindi. In generosity there was perhaps none to equal him. It was as unostentious as it was boundless. He gave away charities with a cosmopolitan


The Maharajah of
Darbhanga Statue,
Dalhousie Square
Calcutta
DARBHANGA
(Copyright)

Marble Statue of Maharaja Lakshmishwar Singh, Dalhousie Square, Calcutta

disregard for colour, creed and caste of the beneficiaries. Only a year before his death he made a splendid donation of Rs. 10,000 to enable the Little Sisters Of Poor to tide over the financial distress caused by the disastrous earthquake of 1897. It is, therefore, not at all surprising when we read the following news in the *Behar Herald* of 31 December 1898 : "In memory of the liberality of the late Maharaja of Darbhanga, towards Srinivas Mandiram and the charities in Bengalore City, Mr. Gopala Charlu, the founder is holding a special Vedic for the repose of the soul of the deceased and is distributing grain to the poor. He has also sent donations to the Protestant, Catholic and Mahomedan orphanages in the cantonment for some similar purpose". This country-wide mourning was but natural for so popular an Indian. Even as a zamindar he was a model to his class. No body had perhaps a greater stake than the Maharaja for keeping the government in good humour, but occasions came when he, quite oblivious of his self-interest, fought for his countrymen and incurred the displeasure of the government. And taking in view the family and the part of the country to which he belonged one is simply amazed to find the Maharaja supporting the Age of Consent Bill and the Sea-Voyage movement.[22] A country can be well proud of a man of such exemplary character—an ardent patriot, a great statesman, a peerless philanthropist, a veteran parliamentarian, and a distinguished public leader, all combined in one.

FOOTNOTES

CHAPTER I

1 Jha, J. S., *History of Darbhanga Raj*, p. 6.

2 *Ibid.*, pp. 48-49.

3 No. 19A, Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, 13 January 1866.

4 Darbhanga Raj Records (D. R. R.), Wards' papers, officiating Commissioner of Patna to the Secretary to the Board of Revenue, L. P., 16 November 1865.

5 In Bihar State Central Records Office (S. C. R. O.), Bundle No. 162 contains Wards Administration reports on Darbhanga Raj. Among these is a report on which the exact year is not given. It is perhaps for year 1875-76.

6 *Ibid.*, para 88.

7 *Ibid.*, para 89.

8 No. 207, Secretary to the Board of Revenue, L. P., to the Secretary to the Government of Bengal, 23 March 1878.

9 Government of Bengal, Revenue Department, Land Revenue Resolution, 6 May 1878.

10 S. C. R. O., Basta No. 162, Annual Report on administration of Darbhanga Estate of the year 1876-77, para 100

11 Government of Bengal, Revenue Department, Land Revenue Resolution, 24 June 1886.

12 *Ibid.*

13 *Ibid.*

14 *The Behar Times*, 23 December 1898.

CHAPTER II

1 Bengal Judicial Proceedings, August 1872, Nos 32-35: During the movement of 1857, Eyre had reported to the government

that Brahmanas had incited Kunwar Singh to revolt against the government. The Guru of Kunwar Singh, Bhikhiadutta Jha of Mangrauni (Madhubani, district Darbhanga), had also been thrown into prison.

2 D. R. R., Secretary to Bihar Landholders Association to Maharaja Lakshmishwar Singh, 28 March 1880.

3 Appendix No. II

4 D. R. R., Private Secretary to Maharaja Lakshmishwar Singh to Secretary, Poona Sarbajanik Sabha, 17 August 1882.

5 Indian Association Office, Calcutta. First Annual Report of the Indian Association contains a report from Surendra Nath Banerjea on his tour of Northern India to agitate the question of Civil Service Examination.

6 Resolution adopted in a public meeting held on 17 July 1883 in Calcutta to consider the means of raising a National Fund.

7 The organ of the Bihar Landholders Association, the *Behar Herald*, made the following comments on the movement for the National Fund, as quoted in the *Bengalee* of 28 July 1883. "We congratulate the promoters of the meeting for the purpose for which it was convened and the success which has hither to attended and is likely to crown their endeavours. Constitutional agitation is the only means by which we can ever hope to secure our political advancement or social progress. In India, though the form of Government is not a popular one, yet we cannot over-estimate the value of the persevering constitutional agitation. The Government being a despotic one the effect of popular agitation may not be so immediate as it is likely to be in England, but if it is persistent and reasonable it cannot but be successful in the end.... If the agitation is carried over to England, and the generous people of that country are convinced of the justice and reasonableness of our claim, the Government of India will be forced by the action of the Home Government to give it a fair hearing and to allow it if possible. The proposal for an

organised movement for constitutional agitation seems to us to be quite opportune".

On the occasion of the meeting of 17 July 1883 telegrams and letters of sympathy were sent from Bankipur, Deoghur and Muzaffarpur also. According to J. C. Bagal (*History of the Indian Association*, p. 62), Harbans Sahay of Bihar was appointed as one of the trustees to receive the fund. But the printed Appeal issued by the Trustees in 1883 does not contain his name.

8 Bagal, J. C., *op. cit.*, p. 81.

9 *Ibid.*, p. 64.

10 *Ibid.*, p. 84.

11 Banerjea, Surendra Nath, A *Nation in Making*, p. 94.

1 Majumdar, B. B., *Congress and Congressmen in the Pre-Gandhian Era*, pp. 7-8.

13 *Source materials for the History of Freedom Movement*, Bombay Government, Vol. II, p. 69.

14 *Ibid.*, p. 81.

15 *Ibid.*

16 Government of India, Foreign Internal (B) Progs., August 1889, Nos. 88-147.

17 India Office Library, Hamilton Papers, D 510/2, Vol. 14, pp. 63-67.

18 Darbhanga Raj Library, Maharaja Lakshmishwar Singh's letter to Vindhyanath Jha, 1 January 1890.

19 *Ibid.*

20 In 1890 the British Committee started the publication of the Journal *India*, to place before the British public the Indian views on Indian affairs. At first the Journal was issued at regular intervals; in 1892 it came out as a monthly, being issued on the second Friday, of each month. And on 7 January 1898 it first appeared as a weekly.

21 Majumdar, B. B., *op. cit.*, p. 156.

22 An old publication of the Congress, entitled "*Inaugural address by the Presidents of the Indian National Congress*"

edited by D. V. Gokhale (1895), contains the following significant dedication :

> **"To His Highness Sir Luchmessur Singh, the Maharaja of Durbhanga, This Volume is by kind permission dedicated as a humble token of admiration for His Highness's noble public spirit and Patriotic Devotion to the cause of the Indian National Congress".**

23 Cotton, H., *Indian and Home Memories*, p. 224.

24 Quoted in Gopal, S., *British Policy in India*, p. 194.

25 *Ibid.*

26 Gopal, S., *op. cit.*, p. 194.

27 Darbhanga Raj Records, 1888/89 Accounts, V/3f.

28 Government of India, Foreign Internal (B) Progs. 1889, Nos. 88-147.

29 *Ibid.*

30 Jha, J. S., *op. cit.*, p. 76.

31 Tendulkar, D. G., *Mahatma*, Vol. I, p. 57

32 Appendix VII.

CHAPTER III

1 While the scheme for amending the Rent Law was under-consideration Sir A. Eden, Lieutenant Governor of Bengal, appointed a Committee in September 1878 to consider the question of improving the Rent Law specially in Bihar. The Committee sought the opinion of the several organisations and individuals in Bihar, including that of the General Manager of Raj Darbhanga. It submitted its report on 8 March 1879, and was one of the causes contributing to the Bengal Tenancy Act of 1885. A Bill was prepared and referred to the Government of India for introduction into the Governor General's Legislative Council.

2 Sinha, Sachchidanand, *Some Eminent Bihar Contemporaries*, p. 36

3 Jha, A. P., Lakshmishwar Singh—A political Study, published in the *Indian Nation* in four instalments, in Sept. Oct. 1967.

3A Speaking on the Cotton Duties Bill in the Governor-General's Legislative Council in 1894, Maharaja Lakshmishwar Singh observed : "Every Indian who loves his country will support free-trade. Free-trade is the natural commercial policy of a country like India, which is chiefly a producer with but few manufacturers of its own".

4 Cotton, Henry, *Indian and Home Memories*, p. 179: In the year 1883 a news came out in the Press that the Maharaja of Hatwa had given a grand party to the Europeans on the occasion of Dussura. It was alleged that an effigy of the Viceroy Lord Ripon was burnt owing to the Ilbert Bill controversy. The Maharaja's manager, a European, was said to have been responsible for it, but the accusation was later denied in the columns of the *Hindoo Patriot*. About this time the newspaper alleged that Europeans had forged an alliance with Zamindars. The former were to help them in frustrating the Rent Bill and the latter in defeating the Ilbert Bill. But the *Hindoo Patriot* claimed that such Zamindars in Bengal would be very few in number.

5 *JBRS.*, Vol. XLVIII, parts I—IV, p. 37.
6 Quoted in A. P. Jha's article referred to above.
7 *Ibid.*
8 Quoted in the *Behar Times*, 30 December 1898.
9 *JBRS.*, Vol. XLVIII, parts I—IV, p.
10 *Ibid.*, p. 38.
11 For details please see the *Calcutta Review*, Vol. XCIV, January 1892, pp. 177—202.

12 Joint Memorial of Indigo Planters and Landholders in the districts of Muzaffarpur, Darbhanga, Champaran and Chapra, to the Lieutenant Governor A. P. Macdonell in 1893.

13 Ramdhari Sahai was Secretary of the Tirhut Landholders Association.

14 An undated letter of Maharaja Lakshmishwar Singh to Vindhyanath Jha.

15 Quoted in the *Behar Times*, 30 December 1898.

16 *The Behar Herald*, 11 January 1899.

CHAPTER IV

1 SCRO, Bihar, Basta No. 162, Revenue Department, Land Revenue Resolution, dated 6 May 1878.

2 Revenue Department, Land Revenue Resolution, dated 24 June 1880.

3 Proceedings of the Special meeting of the Bihar landholders Association, dated 26 September 1879.

4 SCRO, Bihar, Basta No. 162, Annual Report on the Wards' administration of Darbhanga Estate for the year 1876-77.

5 An undated letter of Maharaja Lakshmishwar Singh to Vindhyanath Jha.

6 Ghose, Sarat Chandra, *Life and character of maharaja Lakshmishwar Singh*, p. 40.

7 *Journal of Asiatic Society of Bengal*, Extra number, part I, 1882, Maithili Chrestomethy, by G. A . Grierson.

8 Bengal Education Progs (B), Nos. 21-22, April 1882; File No. 13. Following were the conditions for the award of the medals : (i) To the boy who stood first in the yearly Entrance Examination; (ii) Three medals to the best students in F. A., B. A. and M. A. examinations; (iii) six medals to the best boys who pass the Entrance examination from the schools of Darbhanga, Muzaffarpur, Patna, Gaya, Motihari and Chapra.

9 *Journal of Historical Research*, Vol. VI, No. 1, pp. 43-45.

10 State Regional Records Survey Committee's Report for the year 1962-63, p. 37.

11 Ghose, Sarat Chandra, *op. cit.*, p. 43.

12 Buckland, C. E., *Bengal Under the Lieutenant Governors*, part II, p. 1070.

13 *Imperial Legislative Council Proceedings*, Vol. XXII, pp. 238-239.

14 Revenue Department, Land Revenue Resolution, dated 24 June 1880.

15 Jha, J. S., *History of Darbhanga Raj*, p. 72.

16 Buckland, *op cit.*, p. 702.

CHAPTER V

1 Datta, K. K., *Biography of Kunwar Singh and Amar Singh*, p. 92.

2 Jha, J. S., *Education in Bihar* (1813-59), unpublished, p. 460.

3 Jha, J. S., *Beginnings of Modern Education in Mithila*, p. 74.

4 *Ibid.*, p. 138.

5 Darbhanga Raj Records, Memo No. 2075, dated 22 February 1886 from the Manager, Raj Darbhanga, to the Secretary, Bengali Middle Class English School.

6 DRR, Court of Wards Papers, Basta No. 90, Collection XIV, Misc. No. 14.

7 Proceedings of the meetings of Madhubani Sub-Anjuman, held on 15 December 1878 at Madhubani, prepared by order of G. A. Grierson, Sub-divisional Officer and President of the said Sub-Anjuman.

8 *JBRS*, Vol. XLVIII, parts I-IV, p. 39.

9 *The Bengalee*, 16 March 1895.

10 *Ibid.*, 18 November 1893

CHAPTER VI

1 SCRO., Basta No. 162, Annual Report on Wards' administration of Darbhanga Estate for 1876-77.

2 Maharaja Lakshmishwar Singh to Vindhyanath Jha, dated 11 September 1893.

3 *Ibid.*

4 *Ibid.*, undated.

5 Jha, J. S., *Beginnings of Modern Education in Mithila*, p. 250.

6 *The Bengalee*, 27 March 1897.

7 Maharaja Lakshmishwar Singh to Vindhyanath Jha, undated.

8 *Ibid.*

9 *The Behar Times*, 27 December 1898.

10 Extract from the *Amrit Bazar Patrika*, quoted in the *Behar Times*, dated 23 December 1898.

11 *The Bengalee*, 23 March 1897.

12 *Ibid.*, 30 January 1897.

13 The *Behar Herald*, 11 January 1899.

14 Buckland, C. E., *Bengal Under the Lieutenant Governors*, part II, p. 1070.

15 Extracts from the *Englishman* quoted in the *Behar Times*, 23 December 1898.

16 It is said that the differences between the two brothers arose over the possession of Paragana Bachhaur. According to the custom of the family the younger brother was to get some paragana for his maintenance. Maharaja Lakshmishwar Singh asked his brothers to opt for any paragana of the estate excepting Hati. Raja Rameshwar Singh, on the alleged advice of the Tantric Pandit Ayodhyanath Mishra, opted for Bachchaur. The Maharaja felt some hesitation in conceding to his request, as he had held assurances of protection to the ryots of the Paragana. Some years prior to the commencement of the Wards' administration of the estate the ryots had made reclamation of large tracts of fallow lands on very lenient terms. But during the wards' administration no exception was made of the paragana in matters of rackrenting, with the result that many ryots left the paragana and took shelter in the neighbouring territory of Nepal. Owing to the assurance of Maharaja Lakshmishwar Singh, after his assumption of the *Gaddi*, most of the ryots had returned to the paragana. The Maharaja was apprehensive of the recrudescence of oppressions if the paragana was made over to the brother. But as a result of Sir Ashley Eden's mediation he had to yield and the paragana was made over to Raja Rameshwar Singh.

17 Maharaja Lakshmishwar Singh to Vindhyanath Jha, undated.

18 Ghose, Sarat Chandra, *op. cit.*, p. 95.

19 The *Behar Herald*, 11 January 1899.

20 Besant, Annie, *How India wrought for Freedom*, p. 284.

21 *Silver Jubilee Souvenir Volume of the Lakshmishwar Public Library*, Darbhanga p. 25.

22 It may be mentioned that about four decades later when his nephew Maharaja Kameshwar Singh visited England to attend the Round Table Conference he had to face serious social boycott from a section of the orthodox people.

APPENDIX I

STATE OF POPULAR FEELING IN TIRHUT

Copy from the Government of Bihar and Orissa, Judicial Department, A Proceedings for August 1872 Nos. 32-35.

No. 4433, dated Calcutta, the 24th July 1872.

From—T. J. CHICHELE PLOWDEN, Esq.,
Offg. Under Secy. to the Government of Bengal.

To—The Commissioner of the Patna Division.

I am directed to request that you will be good enough to submit a report on the case in which Mr. Barlow, Assistant Magistrate of Tirhoot, in charge of the Sub-division of Mudhoobanee, was assaulted, and the result of the proceedings taken in the case.

No. 316, dated Bankipore, the 26th July 1872.

From—S. C. BAYLEY, Esq.,
Offg, Commissioner of the Patna Division.

To—The Offg. Secretary to the Government of Bengal,
Judicial Department.

WITH reference to Government orders No. 4433, dated 24th July, I have the honor to forward herewith copy of the Magistrate of Tirhoot's letter No. 165, dated 22nd idem, reporting the result of the case in which Mr. Barlow, the Assistant Magistrate of Modhoobuny was assaulted.

2. The Magistrate has been requested to submit a copy of the Joint-Magistrate's decision which will be forwarded on receipt.

3. I may add that when visiting recently Modhoobuny and Durbhangah I made enquiries in every possible direction to see if any motive beyond that given by the Magistrate could be found for the attack, but every one said the same, that it was the sudden impulse of a mob led by one or two special budmashes, who, determining first to drive away Mr. Barlow, proceeded, when they found him helpless, to attack him as they did. His own conduct was throughout what it should have been, and in no point open to objection.

4. The prisoners have, I now learn, been transferred to the Bhaugulpore Central Jail, and no efforts will be spared to get hold of the leading criminal Bucho Jha.

5. The temple at Seorath belongs to the Durbhangah Raj, and the people of the temple seem to have done what they could towards assisting Mr. Barlow. The greatest assistance, however, was given by the man who is spoken of as a retainer of Doorga Dutt Singh, one of the Modhoobuny Baboos, who are kinsmen of the Durbhangah Raj. It was the Magistrate's intention to ask for a reward for this man, but I understand that his evidence was not considered straightforward, and that he was supposed to be making use of his position as the leading witness in the interval between the assault and the trial for his own purposes, and that for this reason the Magistrate was abstained from recommending any reward.

6. It is the Magistrate's opinion that the Mela

should in future be stopped. This can be done without much difficulty, but it will only have the effect of transferring it somewhere else, and it will do more injury to the temple people who behaved well, than to any one else. I think, however, it should be brought under very stringent police regulations another year, and if it is allowed to continue, this is what I propose to do.

No. 165, dated Mozufferpore, the 22nd July 1872.

From—F. M. HALLIDAY, Esq., Magistrate of Tirhoot.

To—The Offg. Commissioner of the Patna Division.

WITH reference to your memorandum No. 100, dated 30th May last, I have the honor to submit the following report in the matter of the recent attack made by some Tirhootya Bhabuns on Mr. Barlow, the Assistant Magistrate of Modhoobuny.

2. On the 17th May, Mr. Barlow rode out alone in the afternoon to a place called Sheorath, about five miles from Modhoobuny, where, as is usual at that time of year, an enormous gathering of these Bhabans takes place in the neighbourhood of a temple. At this gathering all preliminary arrangements for the marriages of the enusing year are settled. Mr. Barlow had to go in that direction and took the opportunity to see that everything was going on smoothly at this large gathering. There are some twelve to fifteen thousand persons usually collected every year, all of this one caste. A large grove of trees adjoining the temple and tank gives these people shelter for their bivouac, and the meeting lasts, I believe, about a month. Along side this grove runs a public village road past the temple and joins on to the

Durbhangah and Narah road and short distanco further-on. Along this first road Mr. Barlow was riding, and when he approached the crowd, hundreds of them began clapping their hands and shouting. Mr. Barlow at first thought this was only part of their ceremonies connected with the projected marriages, and he merely asked them to desist, as he was riding a young horse which, being alarmed at the crowd and noise, was beginning to plunge and get restive. To his great astonishment the crowd continued to shout, and not only that, but they commenced to throw clods as hard as they could. He could not understand this, and finding that his calling out and telling them he was the Magistrate made no difference, he got down off his horse, thinking he might drive them back. He immediately caught it on all sides with clods and lattees, and he believes he was hit some fifteen or twenty times; one lattee blow cut his head through the helmet he wore, and he was nearly knocked over by this, but he managed to keep his legs. The people then closed in on all sides, and but for some well-disposed Brahmins and a retainer of Baboo Doorga Dutt Singh of Modhoobuny, it would have gone hard with him. These people succeeded in warding off some of the blows aimed, and at length got Mr. Barlow into the verandah of the temple. From what I gather I expect he was somewhat stunned by the blows on the head by this time, and these people got him into a palkee which was in the verandah. Even in the verandah he got some blows, the rioters rushing up repeatedly. Subsequently Mr. Barlow managed to get up and get on his horse which was brought round close to the corner of the verandah for him; he then rode off. Mr. Barlow in his report to me states that he was quite unaware of any cause for the attack.

3. On receiving information of this occurrence, I proceeded with the District Superintendent as soon as possible to Modhoobuny to enquire into the case. I found that Mr. Barlow had previous to my arrival made enquiries into the matter and had arrested a number of persons as concerned in the riot. Some ten persons, Isree Jha, Bhya Jha, Bunwari Missir, Buchi Jha, Phekun Jha, Bhulland Jha, Girja Jha, Soubha Jha, Chuni Jha and Bucha Jha were identified as actually implicated, and the remainder were discharged at once. The District Superintendent and I proceeded to the scene of the occurrence, and we endeavoured to obtain further information as to the motive for the attack and the instigators of the disturbance. I could not obtain any definite information on this point. I gather from the statements I obtained that at this annual assemblage there is one day on which the Bhabuns collected will not permit any one to come near them, and that some evil-disposed among them on this day seeing Mr. Barlow coming and knowing full well he was the Magistrate were determined to refuse a privilege to even the Magistrate which they allowed to no other, and that they commenced a disturbance which was blindly joined in by the rest of the people. Mr. Barlow did nothing to interfere with any religious prejudices, and it was simply a sudden idea that seized the people that impelled them to act as they did. I cannot find that the attack was premeditated at all, but I am convinced from enquiries that the leaders of the crowd knew full well it was the Magistrate they

were attacking. I recorded the depositions of certain witnesses to the identification of the prisoners arrested, and directed Inspector Kunjobehari Lall to make further investigation into the case.

The (9) persons arrested were eventually sent up for trial before the Joint-Magistrate at Mozufferpore with the following result :—Bunwari Missir was discharged before trial, and of the remaining eight, Bhya Jha was sentenced to two years' rigorous imprisonment, and to pay a fine of Rs. 500, or in default to undergo six months' additional rigorous imprisonment; and prisoners Phekun Jha, Chuni Jha, Bhulland Jha, Buchi Jha, Soubha Lall Jha, and Girja Missir were sentenced each to undergo two years' rigorous imprisonment, and each to pay a fine of Rs. 300, or in default to undergo six months' additional rigorous imprisonment. The prisoner, Isree Jha, was found not guilty, and was accordingly discharged.

4. Two other men by name Bachi Jha and Tufani Jha are known to have been implicated in this attack; the former has been known by witnesses to have struck Mr. Barlow the severe blow on the head. Both these men have absconded and have been traced into Nepaul where they at present remain. The police have been directed to lose no effort in arresting them should they return to our territory.

No. 4724.

From—A. MACKENZIE, Esq.,

Offg. Secretary to the Govt. of Bengal in the

Judicial Department.

To—THE OFFG. COMMISSIONER OF PATNA.

JUDICIAL DEPARTMENT. Calcutta, the
Judicial. 7th August 1872

SIR,

I AM directed to acknowledge the receipt of your letter No. 316 of the 26th ultimo, with its enclosure, reporting on the attack which was recently made on Mr. Barlow, the Assistant Magistrate of Modhoobhany, at the mela held near the temple at Sheorath.

2. In reply I am to say that the Lieutenant-Governor agrees with you that the mela should not be stopped altogether, but that it should be brought under strict police control in future.

3. As regards the two assailants of Mr. Barlow who have fled into Nepal, the Lieutenant-Governor authorizes you to transmit an application to the Durbar through the Resident for their surrender under the extradition treaty of 10th February 1855. The application must be in strict accordance with the course prescribed in the letter from the Government of India in the Foreign Department, No. 243 of the 11th May 1863, a copy of which, with its enclosure, was forwarded to your office with Mr. Geoghegan's letter No. 4026 of the 27th idem.

4. As riot is not an offence for which extradition can be demanded under the treaty, the offence of the fugitives in this case should be described as an 'attempt to murder,' which in fact it was. The application for their surrender should be accompanied if possible by their descriptive rolls, and by all the information in connection with their supposod whereabouts in Nepal

that it may be possible to furnish; and the district officers must be prepared, upon the seizure of the men, either to enable the Resident to submit to the Durbar evidence of their criminality as is stipulated in the 5th article of the treaty, or to send witnesses. &c., to the Nepalese cutcherry where the prisoners may be confined.

I have the honor to be,
Sir,
Your most obedient servant,
A. MACKENZIE,
Offg. Secretary to the Govt. of Bengal

No. 4725.

Copy of correspondence forwarded to the Goverment of India, Foreign Department, for information and communicaticn to the Resident at Nepal.

By order of the Lieutenant-Governor of Bengal,
T. J. CHICHELE PLOWDEN,
Offg. Under-Sey, to the Govt. of Bengal.

CALCUTTA,
The August 1872.

JUDICIAL

K. W. PROGS. FOR AUGUST 1872,

Nos.32-35. GYA, July 16.

DEAR BAYLEY,

YESTERDAY afternoon, at about half past two, I had committed a man to the Sessions on a charge of house-breaking by night, with intent to commit theft of some Rs. 450 worth of property, and was engaged in perusing the papers of another case, when I felt a blow on my chest on the left side and saw a shoe bound off at right angles to the distance of two or three feet, and on looking up found it had been thrown by the man abovementioned who had just been committed. He was being secured by a couple of constables in whose custody he was at the time, and who should have prevented him from committing the act. The shoe was his own and he had brought them in with him as he had been previously on bail. I took his statement, in which he admitted the act; and on my asking him why he had done it, replied because he had been unjustly committed, and entered into rather a lengthened statement as to how some enemy of his had before tried to get up cases against him unsuccessfully. I sent the case to Palmer, before whom I have deposed, and he has directed the case to be brought up today, but I do not know how he may dispose of it.

The man is a Hindu, and I think belongs to the low and dissolute class to be found in bazars, having no particular occupation, apparently about 27, and a Bengaly rather in physique than of the up-country build, and a native of this district I believe.

Beyond generally half suppressed expressions of surprise in court when the deed was done, and when the court of course began rapidly to fill, there was nothing else worthy of remark, the sympathy of the audience being apparently opposed to rather than in favour of the man.

I have thought it proper to write early to you in this way, and thus acquaint you with the facts before any garbled version reaches you. The man was an entire stranger to me before this case. He is now in hajut in the Sessions case, and Palmer has orderd him to furnish Rs. 200 bail in my case.

I trust that you will not mind my writing to you thus.

Yours sincerely
G. T. HARRIS

MY DEAR BERNARD,

ANOTHER assault on a Magistrate. This time it is only a shoe flung at Mr. Harris, and no particular significance attaching to the act. I send down the letter in original, to be beforehand with any rumours that may come from elsewhere. Will you show it to the Lieutenant-Governor, please.

Your sincerely,
S. C. B.

17. 2. 72.

His HONOR for perusal.

C. B.

WHAT has become of Mr. Barlow's case ?

20. 7. 72.

G. C.

HAD we no report of the assault on Mr. Barlow, Assistant Magistrate in Tirhoot, some little time ago ?

If we had, papers at once.

22. 7. 72.

A. M.

IT does not appear from our books that any report of the assault on Mr. Barlow, was recieved in this Department.

22. 7. 72.

D. M. CHATTERJEE.

IT would seem not to have been reported.

A. M.

I CANNOT find that we had any official report of the assault on Mr. Barlow.

Does the Lieutenant-Governor desire to call for any report on these officers—

Forbes,
Barlow,
Harris,
Worsly, (18 month ago).

If so, perhaps they belong to the Judicial side.

22. 7. 72. C. B.

THEY belong entirely to the juidicial side. I donot want a report on these cases together because they are not connected, but I do want a report on the result of Mr. Barlow's case. Call for it on Judicial side.

23. 7. 72. G. C.

WRITE to Commissioner of Patna and ask for a report on the case in which Mr. Barlow, Assistant Magistrate, was assaulted, and the result of proceedings.

23. 7. 72. A. M.

Judicial Proceedings 17th May 1855, Nos. 43-44.

A COPY of the extradition treaty between the Nepal and the British Government, dated 10th February, 1855, is put up.

Neither Government is bound to surrender any person not being a subject of the Government making the requisition (Article II).

The offences for which extradition may be demanded, are murder, rape, maiming, thuggee, dacoity, high-way robbery, poisoning, burglary, and arson, also culpable homicide and cattle lifting. (Article IV and Judicial Proceedings, April 1867, Nos 231-32).

For the course to be adopted in all requisitions for surrender, which has been approved by the Government of India, please see Judicial Proceedings, May 1863 Nos. 368-69.

This Government has further issued instructions to the frontier officers that no demand for surrender should be made without the sanction of Government or, in cases of emergency, of the Commissioner of the division, such cases being immediatly reported to Government. (Judicial Proceedings, May 1863, Nos. 370-71).

S. C. D.

Attack to Mr. Barlow, Assistant Magistrate

We get at last a report on the attack made upon Mr. Barlow, Assistant Magistrate of Mudhoobunnee. It appears that there is a great Brahman mela held in the sub-division, which lasts for a month, and at which all the marriages fot the next year are arranged. On one day of this mela they allow no one to approch them. Mr. Barlow unfortunately happened to be passing near and rode over to see if all was going on quietly. It was the day of 'taboo' and some ill-disposed fellows determined to exclude him (knowing some think that he was the Magistrate) and began a disturbance, in which they were blindly followed by the mob. Mr. Barlow's conduct is said to have been open to no censure. His dismounting to endeavour to drive back his assailants was ill-judged, but he never apparently dreamt that they would touch him when they knew he was a Magistrate. He was succoured by the Brahmans of a temple close to where the occurrence took place.

Nine persons were sent up for trial, one was discharged, one sentenced to two years' rigorous imprisonment and Rs. 500 fine, six to two years' rigorous imprisonment and Rs. 300 fine, one was acquitted. Two other men, one of them being the man who first stuck Mr. Barlow with a lattee and cut his helmet open, have fled into Nepal. The police are on the watch for them if they return. Unfortunately riot is not an offence for which we can demand extradition, (see office note above). We can demand extradition if we chose to call it an attempt to murder.

Mr. Bayley says the fair must in future be regulated by strict police control. It is no use stopping it altogether. It would only go else where, and the temple people who helped Barlow would be injured.

Yes.
G. C.
Drafts for approval.
A. M.
Yes.
G. C.

Perhaps the Lieutenant-Governor will accept Mr. Bayley's view on this point.

It was found impossible to reward the man who aided Mr. Barlow most, because he was not straightforward at the trial, and had been making use of his position as principal witness for his own purposes. I think it would have been better policy to ignore this partially and to have given him something.

2. 8. 72. A. M.

Draft for approval.

A. M.

Copy of Government of Bengal, General Department, Miscellaneous Branch, A Proceedings for August 1873.

No. 191, dated Bankipore, the 10th May 1873.

From — S. C. BAYLEY, Esq.,
Commissioner of the Patna Division.
To — The Secretary to the Government of Bengal, General Department.

In continuation of paragraph 28 of this office letter No. 0 Ct., dated 11th February 1873, submitting supplementary general report for 1871-72, I have the honour to forward the ACCOMPANYING COPY OF A LETTER No. 116, dated 24th April 1873, together with enclosures in original*, from the Magistrate of Tirhoot, reporting on the feelings of the people in Tirhoot towards Government.

*Mr. Forbes' demi-official dated 28th January 1873, Mr. Anderson's demi-official, dated 4th February 1873 Darbhangah Assistant Collector's No. 849 J, dated 20th January 1873.

2. In doing so I beg to state that I look upon Mr. Forbes's report as a very fair resume of the question, and it expresses with singular exactness my own view, and is I believe in all main points correct.

No. 116, dated Bankipore, the 24th April 1873.

From — F.M. HALLIDAY, Esq., Magistrate of Tirhoot,
To — The Commissioner of the Patna Division.

With reference to your letter No. 37, dated 15th February last, and previous correspondence, relating to the state of public feeling in Tirhoot, I have the honor to submit the following, and to express my regret that the matter has been overlooked without a reply being sent ere this.

2. I beg to append in original the following paper :—A demi-official letter from the Joint-Magistrate of Tajpore; also one from Mr. Anderson of Kamtowl and Colonel Burn. I also forward copy of letter from the Joint-Magistrate of Durbhangah cited in margin.

No. 849 J, dated the 20th January last.

3. During my recent cold weather tour I passed through a large portion of the Durbhangah sub-division, the one which Mr. Luttman Johnson was lately in charge of, whose remarks on the subject gave rise, I think, to the present correspondence. I particularly noted the general demeanour of the people, and could find nothing to confirm Mr. Johnson's views, not the smallest signs of disaffection towards us. Mr. Crawford has, I think, given the real reason, the foundation probably of Mr. Johnson's ideas on the subject. It is a fact that many of the zamindars in the east of Tirhoot avoid European society, and this may be accounted for by the generally backward condition of native gentlemen in that part in European manners and enlightenment. This is scarcely to be wondered at, considering that before the introduction of the sub-division system the zamindars at a remote part of this large district had little or no opportunity of meetting Government officials except at the Sudder station of Mozufferpore, whenever they

might happen to come in on business. As regards the common people in that part of Tirhoot (the Durbhangah sub-division), I can only say that in my tour I was particularly struck by the marked respect shown to me (as the Collector), and that it rather contrasted favourably with what I have seen in other parts of the district.

4. In conclusion I may state that I am confident there is no special feeling of dislike or hate to us; and as far as I can gather, there are no causes at work to raise such a feeling.

Dated Tajpur, the 28th January 1873.

Demi-official from—A. Forbes, Esq.,

To—The Collector of Tirhoot.

* * *

2. The only districts of Bengal with which I am acquainted are Burdwan, Beerbhoom, and the south part of Patna (Behar), and I must confess that in this part of the country I frequently observe a want of respect and symptoms of dislike shown by natives towards Europeans such as I have never met with in the other parts of rural Bengal that I have mentioned.

3. With the large non-official European population we have here, it seems to me that this state of things is not to be wondered at. Mr. Campbell remarks that Hindus are accustomed to foreign rule, but here the foreigners among them are not their rulers: they are agriculturists like themselves, and opposing interests naturally give rise to a spirit of mutual antagonism, which is fostered by the undefined character of different kinds of tenures, and by the slow and uncertain action of the civil courts. In fact I think that most of

the serious disturbances between planters and natives can be traced to this cause. A case of the simplest kind not unfrequently drags on for two or three years, instead of being settled in a month, and during the whole of this time the quarrel is going on out of court more bitterly than inside of it.

4. A certain class of natives are thus constantly brought into hostile contact with Europeans: they then find that the strangers and their servants are subject to the same laws and tribunals as themselves, and they even find that they can often use personal violence to the foreigners with comparative impunity. In fact they have learnt that Jack is as good as his master, and, in the opinion of Europeans and respectable natives themselves, the agitation which the subject has undergone for the last 12 or 15 months has drilled the lesson well into them.

With native respect is akin to fear, and it thus comes about that all fear of the European as a European having evaporated, respect is apt to follow it.

5. At the same time it is necessary not to make the mistake of supposing that an unfriendly feeling towards Europeans is the rule among natives: this is by no means the case. The hostile feeling is a temporary and, so to say, sporadic evil, confined to villages in which the introduction of indigo gives rise to dissensions; and I have often observed that in villages in which a factory is the 16 annas malik, there is, as a rule, a spirit of contentment such as is to the interest of indigo planters that their ryots should be contented with their rule, and at the same time the cultivation of a certain amount of indigo more than makes up for a small loss from

low rents. With native maliks the case is different: they have no source of income but their rents, and the consequence is that these are increased as far as they can be.

6. The villages in which the introduction of indigo is followed by disputes are, as a rule, villages in which a previous quarrel existed between the malik who gives his share to the factory and his co-shares; and although in the complaints against the planter which follow, the role of complaint is played by ryots, yet they are in nine cases out of ten merely the representatives of their masters, and the fault does not lie with the factory so much as with one or another of the maliks The following are cases of not unfrequent occurrence. The proprietory right to a certain share in a village is disputed, or a quarrel regarding each one's share of zerat lands is going on between the maliks, or a "bakhuda" division of the village lands has for some time existed and one of the maliks becomes dissatisfied with the arrangement: in these and other such cases the malik who cannot get what he wishes not uncommoly runs off to the nearest factory, writes out his share, and tranfers his quarrel to the planter's shoulders. He may try to pay out his enemies by pointing out their lands to the factory servants as his own zerat, or, if he confines himself to his own lands, the other maliks may factiously claim them as theirs. In most of these cases, however, ryots appear and lay claim to the lands taken up by the factory as their own jotes, whether they be so or not. I could quote a number of cases of this kind which have come to my notice within the last 20 months, but (with the exception of a particular class of cases, which I will afterwards

mention) I can at this moment call to mind but very few cases in which the ryot was bonafide pressing his own complaint. And in these the fault lay not so much with the European as with his native servants.

7. Besides those villages in which previous quarrels have been going on between the maliks, and into which the factory is dragged in the way I have mentioned, there remain to be noticed Bhabun and Rajput villages. In many of these the villagers are in whole or part themselves the maliks, and, accustomed as they have been for ages to consider the possession of the village lands as their own especial birthright, and independent and exclusive as are by nature, they ill brook what they teach themselves to look upon as the unwarrantable intrusion of an outsider. They, especially the Bhabuns, are naturally a lazy and unenergetic set often subletting their lands to koirees and others of the cultivating class, or themselves only growing such crops as sugarcane, which require but little tending; and it can easily be understood how men of this sort view with dislike the presence of a pushing stranger, who buys up their holdings for arrears of rent, appropriates to himself the parti lands of the village which they themselves are too slothful to plough, and in many other ways, as a rule strictly legal, instals himself in their midst.

8. On the whole, in my opinion, the feeling of the cultivating classes, that is, of the great mass of the population, towards the European settlers is one of contentment and confidence. The exceptions are to be found in the cases of some of these Bhabun and Rajput villages, and of such other villages as I have mentioned,

in which the ryots are the tools of hostile maliks, and frequent collisions naturally engender feelings of dislike; and it is to cases of these kinds that my remarks in paragraphs apply.

9. The Lieutenant-Governor asks whether zemindars have been hardly used in the matter of landed rights, I think that I have already almost supplied the answer. If the object of a malik giving his share to a factory is to get his battle fought for him, disputes follow as a matter of course, and it is more or less a matter of chance on which side the hardship lies; on the whole, the balance of results may be taken as pretty even. Sometimes the factory is kept out of rights legally handed over to it, and sometimes it succeeds in infringing on those of its opponents; this is no more or less than might have been expected. In villages, on the other hand, in which no previous disputes between the maliks existed, afterones do not, as a rule, arise; the zerat lands handed over to the factory are well defined, and are taken peaceable possession of, and no one is injured.

At the same time the other maliks are often subjected to annoyance in the following manner: The object of the planter is to secure a certain amount of indigo cultivation; he does not care so much about raising rents; the object of the native maliks is, to use the usual phrase, to "kasaw" the rents as far as possible; the factory accordingly is apt to pounce down upon tenantless lands (the holdings of deceased or absconded right of possession of which reverts to the malik) and to turn them into indigo fields; the other maliks would prefer to bundabust such lands with some other ryot from whom they are sure of getting their rent; the factory probably considering itself badly off as regards the size of its zerat lands compared with those of the other maliks, insists on appropriating such lands as part of its proper share of rent-free zerat.

10. Again, it is not an uncommon thing in case of a refusal by a zemindar to renew a lease for the factory to refuse to give up possession of his zerat lands which it has been holding as his locum-tenants; it speciously claims to hold on as a ryot; the Magistrate can only look to the fact of actual possession, and the zemindar is obliged to launch into litigation. I donot wish to discuss the rights of the question : the civil courts of course have determined it in various ways ; but the feeling among the natives is, that the factory in such a case is committing a great wrong, and I perfectly agree with them.

11. The above are ways in which cases of real hardship to zemindars arise from the present indigo system. It is to be observed how the evil is increased by, if it does not even owe its existence to, the expense, delay, and uncertainty of civil court litigation.

12. Another cause of ill-feeling between planters and native zemindars often arises in the following manner : The planter, as I have said, cares comparatively little about increasing the ryots' rents provided he gets his lands for indigo. In a village let to a factory it is the custom for the factory, if 16-anna landlord, to take some two to three cottahs per bigha of his holding from each ryot; the details of the arrangement are beside the question : if the factory is 8- anna landlord, it takes 1 : cottahs, and so on. The ryots may be, and of course are,

averse to this custom; but they are still more averse to paying rack-rents; the planter and ryots are equally glad to come to terms, an equitable rent is agreed upon, and the three cottahs per bigha are given up. The other maliks are left out in the cold; the factory jummabandi papers are carefully prepared and filed in the Manager's sherista, ready to be used against them at any time, and the planter assumes the character of the ryots' champion. When the lease expires, the factory's former landlord finds himself in the same fix as his co-sharers were before; and the factory can still hold on its indigo lands, or get them back at any future time from the ryots in consideration of its assistance and of the loan of the evidence it is master of; and it remains a very thorn in the side of the landlords. The action of the factory springs of course from selfish motives; on the whole however, it is productive of good—it puts a stop to many illegal exactions, and the planter, though he can afford to forego rack-renting, cannot afford to let the ryots off at less rates than what are fair and reasonable.

13. The planters sometime, too, appears as the ally of the ryots in a village with which he has nothing to do. I know of several cases of bodies of villagers coming into factories and offering to do Assamiwar indigo, provided the factory assisted them in resisting their own landlords's demands for an increase of rents, or his endeavours to reimburse himself from them for his income-tax or other expenses. In these cases ryots would not offer to cultivate indigo unless their grievances were real ones; and one cannot sympathize with zemindars who bring complaints against the indigo system on these grounds.

14. With regards to the question of hardship on ryots, the case in my opinion is as follows :—

As regards taking up lands from the ryots, the case stands thus : On a village being leased to or bought by a factory, the ryots are expected to give up—in fact they have to give up—some 2 to 3 cottahs per bigha of their holdings for indigo; in factories which prefer to cultivate their indigo themselves, these lands become part of the factory zerat; in those which work the Assamiwar system they are cultivated with indigo by the ryots themselves at various rates, averaging about Rs. 8-8 per bigha. At the same time the factory refrains, as a rule, from "kasawing" the rents or collecting income-tax, shadiyat, and other illegal exactions. The arrangement is one of mutul accommodation, and is, in a way, sanctioned by custom; the ryot generally gets on the whole as much as he gives; he has not much, at any rate, to complain of, and he does not do it.

15. Cases of course occur in which the malik (lessor) points out to the planter (lessee) ryotti lands as his own zerat; he may wish to retain his own zerat lands himself, and deducts them in the pottah; or the factory stipulates for a certain amount of zerat, and he has to find it. Such cases, however, do not necessarily accompany the introduction of indigo into a village, they must be considered on the whole of exceptional occurrence, and the ryot can, as a rule, right himself at once before the Magistrate. Affecting as they do individual ryots, and occurring but once, if ever, during the factory rule, such cases can scarcely be included in a list of common and recurring hardships.

16. A much more common reason of dislike among ryots to indigo arises as follows: The most coveted lands of a village are, as a rule, those immediately surrounding the houses; they are the easiest of access to the inhabitants, and enriched as they are by the refuse of generations, the most fertile lands of the village. On this latter account they have been frequently retained, as families of ryots have become extinct, by the maliks as their own zerat; as such they are not given over in perpetuity or on long leases to any particular ryot; the maliks do not care to lose their hold on them; but for all that they are bundabusted out from year to year with some one or another of the villagers. When the factory comes in these lands are sown with indigo; and though no one can dispute its legal right to them, yet it can easily be understood how the village community as a body must feel itself aggrieved.

17. But the most severe trial to the ryot is that caused by the system of "changing" lands. I have seen several factories which in other respects have treated their ryots leniently and properly, carry out this system in what seemed to me an arbitrary and oppressive manner. If carried out carefully and fairly, and with the consent of the ryot, there could be no objection to the system. Indigo is a good crop for rotation; but the object of the planter is rather to exchange bad lands for good ones; the exchange is certainly never made on any other principle. In practice it is carried out much as follows: Some 4 or 5 bighas of the best lands, he can find are picked out by the planter from the ryots holdings; they are then told that the lands are wanted for indigo, and that when the crop in other parts is off the

ground they will get the same amount of land elsewhere. No assignment of any particular plot is made to each one; they are left to fight it out among themselves. I even found that the same amount of land in one case had not been let go out of indigo as had been taken up from the ryots. Attached as ryots are to their "morusi" holdings, this system operates very cruelly in my opinion; the right of occupancy they may have acquired is destroyed; at any rate this plea is in after years advanced by the factory or the native malik, and the chance is that in the exchange the ryot gets a decidedly inferior field at a distance from his house in place, may be, of a rich slice of tobacco land in front of his door. This is, in my opinion, a matter which needs special legislation; neither civil nor criminal courts should be allowed to recognise such exchanges on complaint made by the ryot within, say, six months unless the agreement were formally registered.

All that I have said as yet refers to the feeling among natives towards European non-officials. Towards the European officials and the British rule the feeling is one of confidence and respect, both among malik and cultivators. The exception to this rule, if there be one, is to be found in the case of Bhabun villages. These men I have often found to be sulky, indolent, and impudent, though there is a marked change in their manner and bearing when they appear in the supplicant character.

As regards assaults on sub-divisional officers, nothing can be argued from them; they were the acts of individuals—Bhabuns of course.

Dated Kumtoul, the 4th February 1873,

Demi-official

From-GEORGE ANDERSON, Esq.,
To—J. CRAWFURD, Esq.,

I WOULD before now have put in writing the substance of our conversation, but from the impression on my mind owing to what the Collector said to me, that you had already sent in your report, quoting my opinion as to the matter under discussion.

Well, I am an old Indian, having come out as far back as in 1839; and the first-half of my residence having been spent in Bengal, I came up to Tirhoot, sixteen years ago in 1857, just before the mutiny.

Never during all that troublous time, or since, have I seen a symptom in any class in Tirhoot of disaffection towards the English Government; whilst my opportunities of observation have been very fair, living as I do much apart from European society, and being in daily and friendly, even frank intercourse with my native neighbours of all classes, high and low, Hindoo and Mahomedan.

My belief is, that the older and better informed of the people know and appreciate the beneficent superiority of the English rule to that of our predecessors, and that all have full confidence in the honest intention which presides over an English tribunal, however much this may occasionally be obstructed or thwarted by the influence of amlah or chicanery of mooktears.

And further, when any case of oppression occurs in the mofussil, as must often do in a land where the inferior agents of the executive are so untrustworthy and avaricious, I have no doubt that the sufferer attributes it to the right cause.

Whenever discontent is felt with the action of Government, be it in the matter of taxation or otherwise, much may be put down to the manner of execution.

Even when the object of Government has been entirely beneficent—the registration enactment for instance—I am not sure but that in its administration a good deal of inconvenience and hardship has been inflicted; and I am glad to think that measures are now being taken to obviate this.

I will only add that there is one matter which has often vexed me. It is that ever and again an uneasiness seems to arise in the native mind as to the continuance of the permanent settlement.

No. 849J, dated Camp Roserah, the 20th January 1873.

From—J. CRAWFURD, Esq.,
Assistant Collector of Durbhangah.

To—The Collector of Tirhoot.

I have the honor, in reply to your letter No. 1052, of 30th ultimo, to report that I have consulted the gentlemen indicated by you, and that I have also gone over carefully my predecessor's report No. 513, dated 15th January last, which I believe gave rise to the present correspondence. In consequence of my having previously transmitted the diary referred to you, I was unable to go over it again, but this was hardly necessary, as I had done so more than once previously

2. I have not, in the few months I have been in charge here, myself observed any signs of disaffection to

Government. It is true that many of the zemindars avoid European society, but this I think is amply to be accounted for by the generally backward condition of native gentlemen in this district in European manners, and education, and enlightenment. This necessarily hinders the growth of that sympathy which would lead to a more frequent and general intercourse I do not think, however, that I am exaggerating in saying that there is, or at least lately was, a very general distrust of the intention of Government. The natives here are naturally most suspicious, and prone to give ear to the most absurd rumours. This renders it most difficult at times for a Government officer to get correct information on matters connected with statistics when called for. For instance, at once I began to make inquiries about the "kusum" plant under your orders, a report spread about that the plant was to be taxed, and in consequence information regarding it was very difficult to be obtained. In the same way when I inquired about fish, the suspicions of the people were aroused, and I had the greatest difficulty in ascertaining certain points regarding them. Nothing, it seems to me, could have been better calculated to work on this feeling than the census operation, following, as they did, on the action taken in the financial crisis regarding the income-tax. It was universally believed that the census was but the prelude to new and further taxation. The officers of Government accordingly, who were in duty bound to try to counteract this belief, were regarded more or less as deceivers. I can well imagine the effect such suspicions would produce on the demeanour of the people here, and I trace what Mr. Johnson attributed to hatred of the Government to suspicions and distrust of its intentions as regards the census and income-tax and statistics generally. Both Colonel Burn and Mr. Anderson seem to point to this as the true cause. Neither of them has observed any disaffection, and they, I think, are in a good position to know if such existed. I am not prepared to say that the Government is regarded with anything like affection. It is not to be expected that it should be so, as it is that of alien race; but the well-to-do portion of the community are vitally interested in upholding it, as keeping order in the country; and I have no doubt that they are, to a certain extent, alive to their interests in this respect.

3. Mr. Anderson states that the underlings of Government, especially the police, are regarded with dislike by the people generally. This may be so. If hidden oppression is practised, it must be remembered that it is only the moral defects of the people themselves that render this possible. As Mr. Anderson remarks: "Place the oppressed in the position of the oppressor, and he would act precisely in similar way to him". The evil in this case lies too deep for any Government to hope to cure.

4. I do not myself think that our courts are popular. I am afraid that the civil courts are looked upon as open to the wealthy men only. It is notorious that attempts are made to pervert the criminal courts into engines of oppression. I cannot think that these attempts are always unsuccessful.

Where daily there is heaped up such a mass of falsehood, as well on the side where truth lies as on the other, justice is hardly possible. Here again the moral obliquity of the people generally is the root of their grievance, and a radical cure is beyond the power of Government.

5. Colonel Burn says he has heard local officers blamed for pushing on unnecessarily the sale of landed property, but gives no details.

6. As regards the feelings of the people to Europeans living in the district, it is a subject on which I am loathe to write, as my experience in these parts has been so very limited. Mr. Anderson says that there is no dislike to them as a class, but that there is to individual. It is inevitable that in their dealings with natives some gentlemen should show more discretion than others; some would press a right where others would more judiciously waive it. Mr. Anderson, who is, I believe, the most popular planter in the sub-district, if he found cattle destroying his indigo, would probably not send them to the pound; another in his position might A more mature discretion may then account for Mr. Anderson enjoying a greater popularity with the natives than others; but individual character it is impossible for Government to seek to change. There is not any just grievance, as far as I am aware, that can be brought against indigo planters. The cultivation of indigo is viewed with great jealousy because the planter can afford to give, one way or another, higher rates for the land than the ordinary tenantry. His doing so naturally tends to increase the rents of land generally. Again, his demand for labour raises its price in the market and diminishes the profits of that great body of the people in this district who are of too refined a caste to hold the

plough with their own hands. The obtaining the leases of villages by the factories which fall to them, naturally owing to the large command of capital they enjoy, undoubtedly provokes those into whose hands the villages would have otherwise fallen, and these men, I believe, foment dislike to the factories in consequence. Constant complaint is made to me that the factories monopolize the best lands. For indigo best land is required, and the factories get the land as they can afford to pay the best price for them. It is an exaggeration, however, to say that they anywhere monopolize them. The labourers dislike the cultivation of indigo because the work is hard. It is needless, however to point out how much the introduction of British capital and enterprise must benefit them. A very short withdrawal of these would, I am sure, cause a complete revolution in popular opinion.

Durbhangah, dated the 11th January 1873.

From— COLONEL J. BURN.

To — J. CRAWFURD, Esq.

I have your letter of the 10th. Halliday spoke to me on the subject when he was here on tour, and I told him that in my opinion there was no ill-feeling on the part of the natives against the government, but that I had reason to believe the several statistical reports called for from putwaries and others had engendered an uneasy feeling among the natives that further taxation was in contemplation.

With this exception, I think the general feeling of the native community towards Government is the very reverse of disaffected, and that beyond the latent, but ever-existing dislike to Europeans felt by devout Mahomedans, there is no feeling of hatred to our countrymen among natives.

I have never heard the Government blamed in reference to the law in force as to dispossession of ancient proprietors, though I have heard of local officers being blamed for forcing on such sales unfairly or unnecessarily. I believe the general system of our Government to be popular among the natives, more particularly where the court of Wards are administering minors' estates, the marked improvement of which in consequence, without in any way interfering with caste or religious prejudices of minors or their relations, is very often commented on by disinterested natives in terms of high praise. I have noticed this in conversation with many natives both of high and low degree, and was somewhat struck by both Jung Bahadoor and his son separately and approvingly alluding to the subject when I was conversing with them.

As to my opinion about indigo planters, it is well known to the authorities; and for having expressed it officially I have, I believe, been made to suffer. I consider the European element in agricultural pursuits very beneficial to the natives, and that the more enterprising Europeans can live and spend their money amidst the native peasantry the better; and that as a rule Brahmins only are inimical to the indigo planters, because the latter have so raised the value of labour, and so instilled an independent feeling in the minds of the labouring and lower classes, that the lazy Brahmins who will not till their own lands, cannot now get their fields cultivated without paying the current market rate for labour, which deprives them of much of the profits that they used to fatten on.

Progs. For August 1873.

FILE NO. I.

Nos. 32-37.

SUBJECT :— Annual General Report, Patna Division

Particulars– In continuation of paragraph 28 of his office letter No. O. Ct. , dated 11th February 1873 forwards the correspondence noted within regarding the feelings of the natives towards Europeans in Tirhoot, with his remarks thereon.

No 2783.

From

H. L. DAMPIER Esq. ,
Secretary to the Government of Bengal.

To

The Commissioner of the Patna Division.

Calcutta, the 5th August 1873.

GENERAL DEPARTMENT

Miscellaneous.

SIR,

I am directed to acknowledge the receipt of your letter No. 191, dated the 10th May 1873, with enclosures, regarding the feeling of natives towards Europeans in Tirhoot.

2. In reply I am to say that the Lieutenant-Governor agrees with you that Mr. Forbes's letter is a very valuable one, containing much truth well set out.

3. As the result of this inquiry it may be said that there is a general concurrence of opinion that, whatever the defects of its system, the Government is not on the whole unpopular as a government in Behar. It is also, the Lieutenant-Governor thinks, made out that Europeans are not unpopular as Europeans. But the Lieutenant-Governor considers that it is shown beyond doubt that on the one hand the want of a definition and record of rights in land, and the unsatisfactory character of the civil courts by which alone those rights can be determined, are great evils; and that, on the other hand, the Behar indigo system is not altogether a healthy one fairly based on free trade, but that it has about it elements of quasi-feudal compulsion, which, acting with the uncertainty of tenure and the unsatisfactory character of litigation, tend to broil and hold out temptation to high-handed practices on the part of those individuals who are at all inclined to yield to such temptations. These things give rise to not unfrequent and somewhat widely spread discontents in particular parts of the country or against particular individuals.

4. The questions regarding titles to land and the constitution of our courts of justice are too wide to be taken up here. The present indigo system in Tirhoot is certainly not one which Government would encourage and foster if it were a new thing; but it is so established that a change could not be too rapidly forced on without danger of serious embroilments and injury to all parties. The Government must rather look to gradual approach

to free trade principles as fast as circumstances will permit.

5. At the same time Sir George Campbell has always felt that for much that is done under the present system the Government is in some degree responsible, inasmuch as great extensions of it have taken place under the Court of Wards' leases. The present manager of the great Durbhunga estate avows a sympathy with, and belief (and His Honor has no doubt that it is an honest belief) in the system.

6. Whatever the views of individual officers, the Lieutenant-Governor is verv decidedly of opinion that the Government ought not to give special facilities for extending the present system through the Court of Wards. As the Government is situated in the management of wards' estates, it is bound to guard against evils resulting from a system which, if not absolutely compulsory, is at any rate not really a free trade system.

7. The Lieutenant-Governor has frequently acknowledged, and he now repeats, that the agriculture and indigo manufacture which is carried on by Europeans in Behar is a great and important business, which in the hands of a most enterprising body of men is productive of much wealth, and which has been and is in the main beneficial. His Honor gladly acknowledges that most of the planters do credit to the British name, and increase rather than derogate from the popularity of our rule. It is only because looseness of system has given rise to temptations to abuse that His Honor thinks that both the credit of the administration and justice to the people call for the interference of Government to check occa-

sional abuses, and require that it should exert all its influence to bring the system into good lines, and to establish it on that sound and firm basis which will in the end be beneficial to all parties concerned. Sir George Campbell hopes and believes that the indigo industry will go on and prosper.

8. Some abuses are certainly disclosed in these papers against which the Government and its officers must specially set their face. Towards this object many recent orders of Government have been directed.

9. One of the worst abuses, and one unfortunately too common in many parts of these provinces, is that of a strong man taking over from a weak man some claim to property in dispute. In this way it has happened sometimes that planters take in lease fractional shares in disputed villages and are thus enabled to get a hold over the ryots and to put pressure on them to grow indigo. Civil officers must use the most energetic means to prevent advantage being illegally reaped by a strong handed man in such a position. To a man who in any degree engages in such enterprises, the Government and the Court of Wards must refuse all countenance, and every concession which it is in their power to withhold.

10. Again, it is quite certain that a man who has come in as a lessee of a village or estate is not entitled, after the expiration of his lease, forcibly to keep possession of land of which he has acquired possession during the currency of his lease, under the pretext that he holds such land as a ryot. Any man who adopts such practices should be similarly discouraged by the officers of Government.

11. The practice under which the ryots are forced to give up a proportion of their land to indigo is the compulsory feature of the system, to which His Honor has more especially alluded as contrary to free-trade principles. Again, the practice of forcing the cultivators to exchange such of their lands as may be arbitrarily selected from time to time by the planter or his servants, is an intolerable grievance, as is well set forth by Mr. Forbes, even where there is what purports to be an agreement. In these cases it is obvious that the character of the agreement is such that no person of power and influence equal to that of the planter himself would think, as a mere matter of business, of entering into it. Recent orders have been issued that all leases given by the Government or the Court of Wards shall specially guard against any such abuse.

12. Apart from the occasional local hostility which has been referred to above, the Lieutenant-Governor observes that the reports seem to assert that the Brahmins of North Behar show a sulky and hostile spirit towards Europeans, very different from their usual demeanour in other parts of India. The Lieutenant-Governor must especially express surprise that this should be so in a province where Brahmins and Bhabuns are more dominant than elsewhere, their own Rajahs being the very lightly assessed zemindars of great tracts under whom they have enjoyed many privileges. His Honor is, however, led to believe that these people have suffered very much from the action of Court of Wards in charge of the great estates, and especially from the excessive zeal which used to be shown by Government

officers to resume grants, get rid of dependents, and increase by all means the zemindar's free income by doing many things which the zemindar dared not do himself. If those who had hitherto basked in the sunshine of a Brahmin raj now find that, under the Court of Wards, not they but the indigo planters profit, while they are turned out into the cold, they may not unnaturally be discontented; and if by these means the Government makes these numerous and influential classes its enemies, the result is to give point to the orders on which the Lieutenant-Governor has in the last year or two much insisted, viz. that the officers of Government should not needlessly undertake to do for minor or incapacitated zemindars the unpopular things which major and competent zemindars managing their own estates do not do for themselves, in the way of resuming petty grants and withdrawing indulgences, and there is no reason why the Government should periodically do such unpopular work in order to rehabilitate prodigal families, and still less that it should do such work in order to make them immoderately rich.

I have the honor to be,
Sir,
Your most obedient servant,
H. L. DAMPIER,
Secretary to the Govt of Bengal

No. 2896.

Copy of this letter, and of the one under acknowledgement, submitted to the Government of India in the Department of Agriculture, Revenue, and Commerce, for information.

No. 2897.

Copy of this letter, and of the one under acknowledgement, forwarded to the Board of Revenue, Land Revenue Department, for information:

By order of the Lieutenant-Governor of
Bengal,
C. BERNARD
Offg. Secretary to the Govt. of Bengal.

Calcutta,
The 14th August 1873

GENERAL DEPARTMENT

Miscellaneous

K. W. PROGS. FOR AUGUST 1873.

FILE No. 1.—Nos. 32-38.

DRAFT this into a letter, and let me see it in a fair hand not closely copied, and very legible. I have kept papers.

25-7-73. H. L. D.

Feeling in Behar

SAY, in reply to Commissioner of Patna's No. 191, dated 10th May 1873, I agree with Commissioner that Mr. Forbes' letter is a very valuable one, containing much truth well set out.

I think we may take it to be the general concurrence of opinion that whatever the defects of our system, the Government is not on the whole unpopular as a Government in Behar, nor are Europeans as Europeans;

that also is clear. But it is, I think, indubitable that on the one hand the want of definition and record of rights in land and the character of the civil courts by which alone those rights can be determined are great evils, and on the other hand, the Behar indigo system is not altogether a whole-some one, fairly based on free trade, but has about it elements of quasi-feudal compulsion which, acting with the uncertainty of tenure and unsatisfactoriness of litigation, tend to broils and give temptation to high-handed practices on the part of those individuals who are at all inclined to yield to such temptations. These things give rise to not unfrequent and somewhat widely-spread discontent in particular parts of the country or against particular individuals. The care of titles to land and courts of justice is too wide a question to be taken up here. The present indigo system in Tirhoot is certainly not one which we should encourage and foster, if it were a new thing, but it is so established that we connot too rapidly force a change without danger of serious embroilments injurious to all parties, and we must rather look to gradual approach to free-trade principles as fast as circumstances will permit.

At the same time I have always felt that for a great part of the present system we are responsible in so far as great extension of it has taken place under the Court of Wards' leases. The present manager of the great Durbangah estate avows a sympathy with and belief (I have no doubt an honest belief) in the system. Whatever, the opinion of individual officers, I consider that we must not give special facilities for extending the present system through the Court of Wards. Measures have been already taken which prevent that; and I think that as we are situated we are bound specially to guard against abuses resulting from a compulsory, or at any rate not really, free-trade system.

Several abuses are disclosed in these papers against which we should specially set our faces by every means in our power, and to prevent which many recent orders have been directed.

One of the worst of all is the leasing by planters of fractional shares in disputed villages. Nothing can be worse than this, civil officers must both use the most energetic means to prevent advantage being illegally reaped by a strong-handed man in such a position, and must refuse everything in the power of Government or the Court of Wards to any man who engages in such enterprises.

Again, it is quite certain that a man who has come in as a lessee of a village or estate is not entitled forcibly to hold as ryot land of which he has acquired possession during his lease after the expiry of that lease, and any man who adopts such practices should be similarly discouraged.

The system under which the ryots are forced to give up a proportion of their lands to indigo is the common compulsory feature of the system to which I have alluded as contrary to free-trade principles, and the forcing them or binding them to change the lands from time to time at the will of the factory servants is an intolerable grievance as well set forth by Mr. Forbes. All leases by Government or Court of Wards specially guard against this by recent order, and any man who forces such practices should be similarly discouraged.

While I thus insist that we must actively set ourselves against the abuses of the existing system, and all recent orders have been directed to promote its gradual reformation, I have repeatedly acknowledged that the European agriculture and indigo manufacture in Behar is a great and important business, which is carried on by a most enterprising body of men, which has been and is in the main beneficial, and is productive of much wealth. I gladly acknowledge that most of the planters do a credit to the British name, and increase rather than derogate from the popularity of our rule. It is only because past habits have given rise to temptations to abuse that I think that both the credit of our administration and justice to the people require our interference to check occasional abuses, and to give all the influence we can to get the system into a good basis, such as I believe will be in the end beneficial to all parties. I hope and believe that the indigo industry will go on and prosper.

25-7-73.

G. C.

Relations between Behar Natives and Europeans

I HAVE carefully considered this.

It is no more (as regards planters) than has been expressed, by the Lieutenant-Governor in connection with Wards' estates. The views about ‘general feeling” towards Europeans as Europeans are in accordance with my own impressions, but I have no longer any practical local knowledge of Behar; things have so changed since my time.

As regards the remarks about the planters, the one point in the letter to which it seems to me that any objection may be made without being at once hooted down by impartial people, is with regard to the remarks about discouraging such a man by refusing to help him with Court of Wards' and Government leases. I believe that what has been said in the letter on this point is reasonable and right; but it is possible that it may be objected, that this encourages Government officers to pray into planters' mode of doing business in estates with which Government is not connected, and from which no complaints have been made.

However, I see no reason to alter anything in Mr. Bayley's report. I have left out certain remarks of Mr. Carrett's about Mahomedan's late doings and retaliation being justifiable.

Should line 2 of Colonel Burn's letter (page 8) about being made to suffer for his opinion remain in or be cut out ?

H. L. D.

Keep.
G. C.
8-8-73

Copy of Government of Bengal, General Department Miscellaneous Branch A. Proceedings for January 1874 No. 11, File No. 5.

No. 28, dated Calcutta, the 7th January 1874.

From— A. O. HUME. Esq., C. B. Secretary to the Government of India,
Department of Agriculture, Revenue, and Commerce,

To—The Secretary to the Government of Bengal.

I am directed to acknowledge the receipt of your endorsement No 2896 of the 14th of August last, forwarding a copy of correspondence relative to the state of Public feeling in Tirhoot.

2. These papers may be taken as in some degree answering the request made in paragraph 3 of the Secretary of State's despatch No. 9, dated 24th March 1869, and communicated to the Government of Bengal with Home Department endorsement No. 2473, dated 27th May 1869 (which request however, does not appear to have been otherwise or expressly complied with). They will therefore be forwarded for the information of His Grace. For the rest I am to say that while the present time, when the districts of Chumparaun and Tirhoot are threatened with scarcity and distress, the exact extent of which cannot yet be certainly foreseen, does not appear to the Governor-General in Council to be an opportune one for making any further enquiries or issuing any further instructions on the subject, His Excellency does not doubt that the matter will receive the watchful attention of the Government of Bengal, and I am to request that any further information of importance to the indigo culture that may be acquired from time to time, may be communicated promptly to the Government of India.

Government of (1874) Bengal

GENERAL DEPARTMENT

MISCELLANEOUS.

FROM

THE SECY. TO THE GOVT. OF INDIA,
DEPT. OF AGRICULTURE, REVENUE, AND COMMERCE.

D. } 7th January No. 28.
R. } Enc.

PROGS. FOR JANUARY 1874
File No. V, No. 11.

Subject :—ANNUAL GENERAL REPORT, PATNA DIVISION.

Particulars :—With reference to this office No. 2896, dated 14th August 1873, forwarding a copy of correspondence relative to the state of public feeling in Tirhoot, states that the present time does not appear an opportune one for making any further enquiries, or for issuing any further instructions on the subject, because the districts of Champaraun and Tirhoot are threatned with distress. His Excellency does not doubt that the matter will meet with the Lieutenant-Governor's watchful attention. Requests that the Government of India may be informed if any information of importance is acquired regarding indigo culture.

PERHAPS a note may he made of this on both sides of the office.

G. E.

9-1-74 For perusal

L. C. A.

9-1-74 No orders required.

H. L. D.

APPENDIX II

PAMPHLATE

TO THE ELECTORS OF HACKNEY

Gentlemen,

We, the undersigned inhabitants of different parts of British India have learnt with great satisfaction that you have again returned Mr. Henry Fawcett as your representative in the British House of Commons.

We felt not a little anxious when we heard it rumoured that a strong opposition would be offered to Mr. Fawcett's election, but the result of the elections has afforded a most welcome relief to all Indians, who are familiar with the history of the arduous and unremitting labours of Mr. Fawcett for the advancement of the welfare of the people of this country.

In the present political condition of India, Parliament is the arbiter of the destinies of her myriad millions, but under the laws of the British Constitution she has no direct representation in Parliament, she must, therefore, look to the disinterested and philanthropic labours of the representatives of the British constituencies for the advocacy of her cause, the conservation of her rights and interests, and the redress of her grievances.

Owing, however, to her geographical position, to the peculiar character of her administrative organization and to differences arising from the diversities of the religions, languages, manners and customs of her people, India labours under a serious disadvantage. Her wants, wishes and sentiments cannot be readily brought to the notice of Members of Parliament in such a vivid way as to enable them to realize the sacred responsibilities, which devolve upon them as the representatives of the great British nation in respect of this distant dependency, the fate of which an All wise Providence has linked with that of England, and the best interests of which are committed to their care, consideration and controul. Mr. Fawcett, by statutory law your representative, under the immutable laws of divine justice the champion of the poor, the weak, and the oppressed throughout the British Empire, has been one of the few, who have familiarized themselves with the condition of India, mastered the details of Indian administration, and been the foremost in lending their voice to mute millions of India, in advocating their natural claims to just and good government, and in demonstrating that the true interest of India and England are identical.

The services which Mr. Fawcett has rendered to India are too numerous and too well known to require recapitulation, while we feel deeply thankful to him for his earnest and unceasing advocacy of our national cause, we are not the less beholden to you for putting him before and now in a position to give the benefit of his rare intellectual gifts generous sympathies and practical wisdom to the millions of this country by his presence in the imperial Parliament of the United Kingdom. It is through your kindness India is enabled to look forward to continued assistance from Mr. Fawcett, and we, therefore consider it our duty to convey to you this earnest expression of our sense of gratitude.

we have the honor to be,
GENTLEMEN,
Your obedient Servant.

APPENDIX III

No. 234

To

The Secretary of the Poona Sarbjanik Sabha,
7-3-1882.

Dear Sir,

I casually came across a paragraph in the papers saying that you propose sending a few youngmen out to England every year to study for the bar and the other lucrative profession that are now almost entirely monopolized by foreigners. If I remember rightly I think, You propose that some leading princes should each pay the expenses of one student, that no prince should contribute less than three thousand rupees.

Now I wish to make a few suggestions about this scheme and hope to be excused for making them. It seems to me that the amount of contribution that you wish each prince to give is exceptionally high (?). Would it not to be better to say nothing about the amount and let each prince settle his own amount. You must take into consideration that each prince has a great many local charges to meet and these in some cases fall heavily on them. I would propose your reducing the amount of subscription and let every native........instead of restricting the subscription to a few of the most powerful chieftains, I am quite sure that you will not only be able to raise a larger amount of subscription by doing this but you would also gladden the hearts of many a Indian Chief by giving them a chance to do something for the good of their country—A country of which every Hindoo should be proud and a country which was once the most civilized country in the whole world and which was the pioneer of civilization in the Western Countries.

Should you still think of carrying out your original idea with the slight modifications I have proposed I will be obliged if you could enter my name as an yearly subscriber of two thousand rupees per annum towards this fund.

In conclusion I have only to say that I hope to be excused for this long letter. I have said all that I really feel on the subject and I hope to be excused if I have really given any offence. It is through the influence of such association as the Sabha of Poona, that we hope for the regeneration of India and every Indian and its inhabitants and I will always be only too glad to do all that I can to carry out any of your suggestions. The very name of Poona and Satara calls to our mind the almost superhuman efforts of Shivajee and the grand old Peshawas to free India from the thraldom and tyranny of Mohammadan rulers and your Sabha still makes us think that in Poona at least the old spark of patriotism is not extinguished.

Hoping to be favoured with an early reply. I remain,

Yours faithfully,
Sd/-L. Singh

APPENDIX IV

SALE DEED OF THE LOWTHER CASTLE 1892.

Stamp — Two Hundred fifty Rupees

We are Sayyed Jafar Ali Khan otherwise called Nawab Huzoor Mirza, son of Nawab Inayat-ud-daula Sayyed Muhammad Sajjad Ali Khan deceased, of Ballyganje, No. 20 Circular Road Calcutta, and Nawab Saltanat Ara Begum daughter of Nawab Inayat-ud-daula Sayyed Muhammad Sajjad Ali Khan deceased, wife of Nawab Mustafa Ali Khan otherwise called Nawab Miran Sahib, of Sanai Bazar. No. 74 Circular Garden Reach Road in the Suburbs of Calcutta, holders of the *jagir* Estate in Lucknow, and share-holding proprietors and possessors of the house of "Lowdher Sahib" (Lowther Castle) in the suburbs of Allahabad,—and Mirza Agha Hasan, son of Mirza Muhammad Taqi deceased Sanai Bazar in the suburbs of Calcutta, at present residing in the Town of Allahabad, being the guardian appointed by Court (on behalf) of Sayyed Muhammad Husain Ali Khan otherwise called Nawab Jahandar Mirza *Sahib*, the minor son of Nawab Inayat-ud-daula Sayyed Muhammad Sajjad Ali Khan deceased, of No. 20 Ballygunje, Circular Road, Calcutta, holder of the *jagir* Estate in Lucknow, and shareholding proprietor of the house of "Lowdher Sahib" in the Town of Allahabad aforesaid.

Whereas there is a brick-built house known as "Lowdher (Lowther) Castle", situate in the suburbs of Allahabad together with appurtenances, (consisting of) brick-built and *Kutcha* houses etc. with enclosure containing 75 Bighas 12 Biswas of rent-free land, more or less, appertaining to the *Sawad* (out skirts) of Mouja Nemi bagh and Fatahpur Buchhwa, Pargana Chayil, District Allahabad together with wells, *pucca* and *Kutcha* orchards existing from old times as well as recently prepared, and trees fruit-bearing as well as non-fruit bearing, which have been planted and exist on the aforesaid land, as per four boundaries specified hereunder which are held and possessed by us, the Executants and Vendors, by virtue of ownership and right of inheritance from our father; and (whereas) we Sayyed Jafar Ali Khan otherwise called Nawab Huzoor Mirza, son of Nawab Inayat-ud-daula Sayyed Muhammad Sajjad Ali Khan deceased, and Nawab Saltanat Ara Begum, daughter of the said Nawab Inayat-ud-daula Sayyed Muhammad Sajjad Ali Khan deceased, and wife of Nawab Sayyed Mustafa Ali Khan otherwise called Miran Sahib, are desirous of selling absolutely our respective shares in the house called "Lowther Castle" aforesaid with the entire enclosure and all appurtenances, appendages, and annexures thereof; and whereas Nawab Sayyed Muhammad Husain Ali Khan, otherwise called Nawab Jahandar Mirza *Sahib*, who is a proprietor and possessor of *two fifths share* in the aforesaid house and lands and all appurtenances etc. thereof, as stated above, is a minor, and I, Mirza Agha Hasan, one of the Executants, and legal guardian of the said minor have been authorized to sell his share by an order of the court of the District Judge of Murshidabad dated the 6th Day of November 1891 A. D., and (whereas) there is no permanent tenant, occupying the aforesaid house and land for the several years; and (in as much) we, the executants and proprietors can not properly look after; and effect repairs of the house and buildings aforementioned,—nor is there at present any prospect of a permanent source of income to be derived from the rent thereof on the produce of the lands and orchards connected therewith; We, the Executants (viz), Sayyed Jafar Ali Khan otherwise called Nawab Huzoor Mirza and Nawab Saltanat Ara Begum abovenamed, in person and for ourselves, and I, Mirza Agha Hasan, the legal guardian appointed by Court on behalf of Sayyed Muhammad Husain Ali Khan otherwise called Nawab Jahandar Mirza *Sahib*, the minor aforenamed, do therefore in a sound state of body and mind, and in full possession of our faculties, without force or coercion and of our respective free will and accord, (hereby) declare and give in writing that we, the Executants, have sold and conveyed absolutely the house known as "Lowther Castle" in the suburbs of Allahabad together with enclosure thereof containing 75 Bighas 12 Biswas of rent free land appertaining to the *Sawad* (out skirts) of Mouja Nemibagh and Fatehpur Buchhwa, Pargana Chayil, District Allahabad, with *Pucca* and *Kutcha* wells, old and new orchards, and trees fruit-bearing as well as non-fruit-bearing, which have been planted and stand on the aforesaid land, as per boundaries setforth below, with all appurtenances, appendages, and annexures thereof, unto Sir Lachhmessur Singh K. C. I. E. Maharaja Sahib Bahadur of Raj Darbhanga, son of the late Maharaja Maheshwar Singh Bahadur, by caste Brahmin Soti, by occupation Zemindar, inhabitant and propreitor of Qasba Raj Durbhunga, Pargana Haveli Durbhunga, for a consideration of 24,500 twenty four Thousand and five Hundred Rupees, of the coin bearing impress of the King's or Queen's face (i. e. of the current coin), half of which is 12,250 Twelve Thousand Two hundred and Fifty Rupees, without any deduction whatsoever. And the amount of consideration money aforestated having been received in full and in its entirety the exchange of the equivalents (i. e. delivery of possession on the one hand and payment of consideration money on the other) was effected in manner following, viz., that the authorized agents of the purchaser abovenamed were put by us, the Executants and Vendors, in proprietary possession and enjoyment of the entire house sold with all its appurtenances and annexures, and lands thereunto belonging, and old and new orchards, trees, fruit-bearing as well as non fruit-bearing, *Pucca* and *Kutcha* wells and houses, brick built as well as mud-built. And we, the Executants and Vendors, do further declare that henceforth neither we, the Executants and Vendors, nor our heirs, executors and representatives, have any proprietary right or possession whatsoever left in respect of the whole or any part of the Estate, property, and lands, sold as aforestated; nor shall any claims as to ownership or possession, or any demand in respect of the whole or portion of the consideration money aforestated on the part of us, the Executants and Vendors, or of our heirs, executors and representatives, be held valid and admissible. And we, the Executants and Vendors, do all of us further declare that, in case any claimant should ever at any time come forward in Court with any sort of claim or demand on account of dower, mortgage or debt, with respect to the whole or any portion of the lands sold as aforestated, as against the purchaser abovenamed, and he the said purchaser should in spite of best exertions being used, suffer any loss or damage of any kind by reason of his defending any such claim, or of his being made liable for the same or any deficiency or defect should, in consequence, be found in respect of the whole or a portion of the property sold as aforestated, or the proprietary title in respect of the same should thereby be in any way affected, or any pecuniary loss should, for any other reason, be sustained by the said purchaser, the liability in respect of damages or loss to the extent of such deficiency and defect shall fall upon us, the Executants and Vendors in person, as well as upon (our) other properties; and no objection or plea with respect to the same on part of us, the Executants shall be held valid and admissible. To this end we give in writing this deed in the shape of an absolute and out and out sale, so that it may serve as a valid document and be of service hereafter when occasion requires.

Schedule of boundaries referred to above

Eastern boundary——	Adjoining the road running north to south.
Western boundary——	Road running North to South.
Southern boundary——	Adjoining the road running East to West.
Northern boundary——	Running along the middle of the *nulla* from the extremity from which the water flows through the middle of the (said) *nulla* opposite the western corner of the *nulla* as far as the *Khain.*

Written by Hanooman Dayal son of Lal Bahadur Kayistha of Muhtashamgunj in Allahabad.

Dated the day of year 1892 A. D.

Memo of numbers of currency notes to the amount of 24000 Twenty Thousand Rupees paid to the Vendors as consideration money in addition to the sum of 500 Five Hundred Rupees paid in advance as Earnest money.

D 19	60900		D 8	79533	
	61862			78776	
	66386	24th January		78774	14 Notes
	66257	1878 A. D.		77992	for 500/-
	67816	Allahabad or		79712	five Hundred
	67405	Calcutta.		78812	Rupees each
	67406			79695	amounting to
	67415			79803	7000/-
	67416	17 Notes for		78386	
	63774	1000/- each		78063	
	67836	amouting to		79604	
	67001	17000/-		79603	Allahabad
	66234			79602	or
	67018				Calcutta
	66233				16th October
	66232				1868 A. D.
	67414				

Calcutta
U
86 67241
7th July year/88

APPENDIX V

Speeches of Maharaja Lakshmishwar Singh in the Imperial Council

IMPERIAL COUNCIL PROCEEDINGS

Bengal Tenancy Bill, 1883—Pages 238-242

His Highness the MAHARAJA (of Darbhanga) then said; "My Lord, it is not without considerable diffidence that I submit my views on the Bill which affects all classes of people.

"It is now more than six years that it was proposed by Sir Richard Temple to change the present law of landlord and tenant, and as the Government has already made up its mind to change the law, it would be useless for me to say that this Bill ought not to be introduced. But I might safely say that, as far as Bihar is concerned, no change in the present law is needed; neither the raiyats nor the zamindars have asked for a change, and that in itself is sufficient proof that no change is needed. The zamindars certainly do not wish to get any further facilities for the collection of their rents, and the tenants also do not complain of any oppression by the zamindars.

"A great deal has been said about the oppression of zamindars in Bihar, and I doubt not that in Bihar there are a few bad zamindars as well as a few bad raiyats. But it is most unjust to think that all the Bihar zamindars, as a class, are oppressive. That there was a great deal of oppression in former days I do not deny, but Mr. Reynolds, after his last tour, was able to say that things have quite changed of late.

"Illegal distraint used in former days to be common, but that is now almost a thing of the past. The zamindars now have sufficient knowledge of law to know that by illegal distraint they render themselves liable to criminal prosecutions, and the raiyats also know how to protect themselves, and they are not now at all likely to let a zamindar distrain their crops illegally. Besides, though the former system of distraint was certainly illegal, it was not necessarily oppressive. The Government itself, as the guardian of two of the largest proprietors in Bihar, was obliged to have recourse to this illegal sytem of distraint up to 1876. In the Darbhanga Raj, when under the Court of Wards, it used to be considered the proper thing to distrain the raiyats crops without serving them with formal notices. It was in 1876, however, that steps were taken to introduce a sytem of legal distraint and I am happy to say that the system of illegal distraint has now entirely disappeared throughout Bihar, and this is simply owing to the good example set by Sir Richard Temple and my hon'ble friend Sir Steuart Bayley. It would therefore be unjust now to call the zamindars of Bihar oppressive, and I hope I may be excused for having gone out of the way to say a few words in justification of the zamindars of Bihar, who have already been more than sufficiently abused in the report of the Rent Commission for carrying on a system of distraint which, though illegal, was not oppressive, and which the Government itself was carrying out until lately.

"I will now say a few words on the subject of occupancy tenures in Bihar. The zamindars, as a body, are not averse to the cultivators acquiring this right. It gives the raiyats a permanent interest in their lands, and they are, therefore, more likely to increase the value of their lands. But the Bill does not create this right in favour of the actual cultivators. On the other hand, it distinctly says that the sub-lessees, who after all are the actual cultivators of the soil, are not to require rights of occupancy. The actual cultivator is not to acquire the right unless he happens to pay in his rent direct to the zamindar, and he is to be perfectly at the mercy of his middleman. This seems to me to be perfectly anomalous, and it would be a better proposal that a raiyat who is not an actual cultivator should not be allowed to acquire right of occupancy. Unless some such provision is made, we are bound to create a set of occupancy tenants, who are not the actual cultivators, but middlemen, and these middlemen would be in a far better position to oppress the cultivator than the much abused zamindars. The zamindars have to deal with those raiyats whose names are registered in the village papers, but these middlemen will have to deal with people who have in most cases no documentary evidence to prove that they are the actual cultivators. Then there is another provision of the Bill which concerns the zamindars more directly—I mean the provision which debars the raiyats from contracting against their rights of occupancy. Such contracts are but seldom made. A zamindar might especially wish to have a piece of land all to himself, though it might not necessarily be his Zarat or Khamar land. It might be a jungle or a preserve, and supposing he was to lease out a part or the whole of this plot, on condition that at some future time it is to be given back to him, is he to be prevented from the use of his land for ever? Then, again, zamindars very often plant trees on their lands, and lease out the ground to raiyats to grow crops for a certain number of years, and, in most cases, at very low rates, on the condition of regaining possession of the lands when the trees grow up, and the raiyats gladly take such lands on short leases. Are these raiyats supposed to acquire rights of occupancy? Then, again, why provide for a right of occupancy against any contract to the contrary? Such a provision does away with the freedom of parties to contract. Parties understand their own interest better, and it is idle for the legislature to affect to protect their interests, To secure some personal benefit, a raiyat may very well give up his rights under the law, but if the provisions of the Bill are passed into law they would not be able to secure such advantanges for themselves.

"I am glad to see that the Bill proposes to do away with the law which entitled the tenants to acquire rights of occupancy only when they could prove that they were in the possession of an identical piece of land. There would be little harm done to the zamindars if, where raiyats occupy different lands in different years, the right of occupancy is allowed to spring up in respect of a particular quantity of land held for a certain number of years. But the Bill goes on further, and provides that if a raiyat occupies a very small quantity of Lands, and in respect of that quantity acquires a right of occupancy, such right would attach to all land which he may hold within the estate for however short a period. This is certainly unfair.

"About the proposed facilities for the collection of rents, I must confess that the position of the zamindars would be much worse if the proposed changes are carried out. The Rent Commission had proposed to abolish the system of distraint altogether. The new Bill has effected a compromise in this respect between the suggestion of the Rent Commission and the existing law; but I am confident that the proposed mode of distraint through the Civil Court, and the deposit of the proceeds for a month, would frustrate the very object of distraint, which is only had recourse to as a mode of speedy realization of rents. The present mode of distraint is the best and most speedy way of collecting rents. The proposed law, however, in a way abolished distraint altogether. It burdens the zamindar with the cost of an application to the Civil Court on stamp-paper, as well as with the expenses of paying lawyers; whereas now he has practically no expenses to incur. Illegal distraints are no doubt objectionable, but, as I have already said, it is only a very short time ago that the Government even used to resort to this illegal system in managing the Court of Wards estates. *This shows clearly that though illegal the distraint never operated as a hardship.* It would, therefore, be most undesirable to change the present law, especially as the raiyats and zamindar have begun to know the law, and there has been absolutely no complaint by the raiyats that this instrument is used by the zamindars illegally, or as a means of oppression. It has been said that *the law of distraint is an off-shoot of the English law.* It may be so. But then how is it that you find in

Nepal, which has had less to do with Foreigners than any other State in India, that distraint has been carried on for certainly more than a hundred years ?

" Now I come to the most important point of the Bill—I mean the question about *the enhancement of rents.* The Bill proposes fixing tables of rates for each pargana. This may have been quite possible before the time of the Permanent Settlement, but I doubt if it is possible to do anything of the sort now. It is hardly possible to find two fields in the same village of exactly the same quality of land, and parties will never cease to question the correctness of classification of lands. I know of a pargana where the rate for some of the villages is two rupees, whereas the rate for similar lands in another village is only two annas. Instead, therefore, of deputing officers to draw up tables of rates, would it not be better that the law should fix a certain proportion of the average produce as the zamindar's rent.

"Now as to the question of transfer of occupancy holdings. The zamindars ought to be thankful for getting the right of pre-emption. But it is not always that the zamindar is in a position to buy occupancy holdings, and in such cases would it not be advisable to give a *Khudkasht* raiyat the right of pre-emption in preference to an outsider, and immediately after the zamindar ? This might in some cases prevent an out-sider coming in who has got no common interest with the villagers, and who does not necessarily care for the good-will of the village community".

"Here I might also mention the fact that though the zamindars have been allowed the right of pre-emption, still they are not allowed to buy on the same conditions as raiyats. A raiyat who buys any occupancy holding, and who does not wish to cultivate himself, can lease it to one who cannot acquire rights of occupancy; but if the zamindar leases out any such holding the cultivator at once acquires rights of occupancy.

"About the survey of *Khamar lands* I have to make only a few observations. Such surveys would cost a great deal of money, which the raiyats or the zamindars might eventually have to pay, and even then I do not see what good the raiyats or the zamindars are ever likely to get. No doubt it would be a first-rate thing to have proper records of rights, but it would be impossible to have proper records-of-rights by having a mere survey of a village.

"These are some of the observations which a cursory reading of the Bill suggests, but this is not the time to enter into all details.

"In conclusion I beg leave to make the following observations :— "The Bill was originally intended to give relief to the zamindars as well as to the raiyats. Sir Richard Temple and Lord Lytton thought that the zamindars should get further facilities for the collection and realization of rents, but the proposed Bill does not give the zamindars any facilities for the realization of rents. Now as to concessions to the raiyats I have very little to say. It is the zamindar's interest to make any fair concessions to their raiyts. All that a zamindar needs is a law which secures him his rents and provides him with modes for speedy realization of the same, but I am obliged to say that if the procedure as laid down in the Bill is to become law, the zamindar's position is sure to be much worse than what it is now, and I can safely state, before concluding, that Bihar zamindars are quite satisfied with the existing law, and do not wish for the change contemplated".

Imperial Council Proceedings, Vol. XXIII
1884, Pages 81-82.

Criminal Procedure Code Amendment Bill

The Hon'ble The Maharaja of Darbhanga said :— "I do not know whether I am quite in order in moving this amendment. I would have much sooner preferred that the Motion should have come from some one of the members who were in charge of the Bill in Select Committee. Objection might certainly have been taken to my amendment if the Bill had now stood in its original shape. This Bill was originally supposed to be a Bill to amend the Criminal Procedure Code as regards the exercise of jurisdiction over European British subjects. This, in fact, was the name of the Bill when it went to Select Committee. But now I see that it comes out simply as a Bill to amend the Criminal Procedure Code; no special mention is made of European British to discuss any section of the Criminal Procedure Act that they may wish. The Bill, as originally named, intended to do away with race-distinctions altogether. The original Bill has been, therefore, in a way withdrawn altogether. It has been certainly very much modified in Select Committee, and it can be now supposed to be a Bill to give every European the right of trial by jury in almost every case. My object is certainly not to question the decision of the Select Committee in that respect. I simply wish that this right should be extended to Indian British subjects as well, but with certain restrictions. My amendment does not mean that Natives of India should have in every case the Privilege of trial by jury. *I simply wish that in all sessions cases the Natives of India should have this privilege*; and I do not at present mean to move that they should have the right of demanding trial by jury in cases before the District or any other Magistrates. I am perfectly well aware that it would be necessary to get the opinions of the Local Governments on a general question of this sort. In many places it might be perfectly impossible to get enough proper men to form juries. In other places, on the other hand, it might lead to an increase of expenditure. I simply wish that in every sessions case the accused should have the option of being tried by jury. I do not go so far as to ask the Government to put the European and the Indian subjects on terms of entire equality, as I think a proposal of this sort would not only be unreasonable, but is never likely to be listened to. If the Indians are a conquered race and the Europeans are conquerors, it is preposterous to think that the conquered race and the conquerors, can ever, legally be put on terms of equality. I do not wish to rob the Europeans of any of their privileges. I have now to move that, after section 2 of the Bill. the following section be inserted :—

> "S. To section 269, the following proviso shall be added, namely :—

> “Provided that in trials before a Court of Session, if before the first assessor is appointed the accused requires to be tried by a jury, the trial shall always by a jury”.

Page-88- The Hon’ble the Maharaja of Darbhanga here withdrew his amendment.

Imperial Council Proceedings XXIV
1885 Page 96

BENGAL TENANCY BILL

The Hon’ble The Maharaja of Darbhanga said :— “I regret that I cannot support the motion of the hon’ble member that the Bill should be taken into consideration. In my opinion it is not submitted to the Council in a form in which we can reasonably be asked to consider it. It comes before us disapproved and discredited by all parties. The raiyats are as much opposed to it as the zamindars; and are we, who are legislating in the interests of the zamindars and the raiyats, altogether to disregard their wishes and their opinions ? Is there a single raiyat or a single zamindar in the country who desires that this Bill should be passed ? And if it is an undoubted and an undisputed fact that neither zamindars nor raiyats desire this measure, will this Council be justified in forcing it upon them ? Are we to suppose that zamindars and raiyats are alike ignorant of their true interests ? Surely they may be trusted to know whether a law will injuriously affect them or not. But if we are to disregard the expressed wishes of the parties who will be affected by the proposed legislation, upon whose opinion is the Council to rely ? Are we to rely on the Select Committee ? The Select Committee consisted of eleven members, but out of this number only three have signed the Report without reservation. All the other members have on most important particulars dissented from the Report. The Report, therefore, and the Bill, which has been drafted in accordance with the report, is practically the Report and Bill of three members only; and two out of the three hon'ble members have no practical experience of Bengal. The Bill, therefore, comes before us discredited and disowned by the majority of the Select Committee itself. If the Select Committee had been unanimous in their recommendations, some sort of justification might have been found for proceeding further with a measure which has been so universally comdemned. But with this great divergence of opinion among the members of the Select Committee, there seems to me no other alternative but to withdraw the Bill. It cannot be expected that members of this Council should accept the Report of the Select Committee as an authoritative document. If the members of the Select Committee are not themselves agreed as to the principles of the Bill, is it reasonable to expect that this Council should act upon their recommendations ? If the Bill in its present shape is proceeded with, all the questions which engaged the attention of the Select Committee will necessarily be re-opened in this Council, and every hon'ble member will have to form his independent opinion upon them. But here an initial difficulty presents itself. There is absolutely no reliable information upon which you can proceed. The Select Committee had no evidence before them. They acted upon official opinions, which were generally conflicting and often misleading. My hon'ble friend Mr. Hunter has well described in his dissent the difficulty in which the Select Committee was placed. "The Select Committee," he writes, "has been asked to deal with the entire relation of landlord and tenant in Bengal without being furnished with any body of cross-examined evidence to guide its deliberations. Opinions and statements, often conflicting and sometimes contradictory, have been furnished to it in large numbers. But it has not had the means of ascertaining which of these opinions and statements would have borne the test of cross examination, or how far their discrepancies might have been reconciled. Absence of such data is the more to be regretted in a measure affecting land right in Bengal, for in Bengal, almost alone among the provinces of India, there is no central department of statistics *** which might in some measure have compensated for the evidence of witnesses heard in the districts". ** The result has been to leave in my mind an extreme uncertainty in regard to several important classes of rights with which the Bill deals. 'Is this Bill, then, my Lord, ripe for discussion ? Are we to legislate in uncertainty ? Are we to pass a measure which will revolutionize and disorganize the whole rural economy of the country, without having any reliable data before us ? From the very first the zamindars have demanded an enquiry. They deny the facts and the assumptions upon which the Government of Bengal has proceeded. I will give one or two illustrations. The justification of the occupancy clauses in the Bill was based upon the fact that the zamindars of Behar were in the habit of shifting their raiyats to prevent the accrual of occupancy-rights.

This fact, in their memorial to the Secretary of State, the zamindars of Behar emphatically denied. From my own experience I can affirm this denial. I can state as a fact that such a custom is not prevalent in Behar, and that I have never even heard of its existence, and yet the whole of the legislation with regard to those occupancy rights has proceeded on an assumption which is absolutely baseless. Another charge made against the zamindars of Behar was that they rack-rented their raiyats; that rents were so excessive that the raiyats were left without a reasonable margin for subsistence. In their memorial to the Secretary of State the zamindars of Behar conclusively, as I think, showed that the charge was baseless, but the restrictions on enhancement have been mainly introduced into the Bill on the assumption that the charge is true. Is this fair upon the zamindars? Have they not a right to ask that their rights shall not be taken away on mere assumptions? Have they not a right to demand that the charges brought against them shall be sifted and examined before the legislature is invoked against them? But the Bill itself contains the best commentary on this charge. These raiyats, who are supposed to be so ground down and oppressed, are allowed to demand from their under raiyats 50 percent, more than they themselves pay. You are asked to restrict the demand of the zamindar upon the raiyat, and at the same time to allow the same raiyat to demand for the same land 50 percent more than he pays himself. Can any inconsistency be greater? I have merely given these illustrations by way of example to show that we are legislating in the dark. The foundations of the Bill rest upon facts which are alleged and denied, and upon assumptions which are challenged as untrue. We have no ascertained facts before us upon which we can possibly proceed. There is assertion on the one side and denial on the other, and the truth has yet to be ascertained. If this is a correct description of the position in which we stand, is it possible to proceed with the Bill ? How are we to decide between conflicting assertions ? We may repeat in this Council the interminable discussions of the Select Committee, but in the absence of ascertained facts we shall not be able to arrive at any satisfactory conclusion. To me it seems amazing that we should be considering the matter at all. Among the many millions of people who will be affected by the Bill not a single voice has been raised in its favour. If it is passed, for whose benefit will it be passed ? It surely cannot be wise to pass a Bill which will benefit no one and irritate every one. I look upon the Bill as disastrous in every point of view. It will be disastrous in a political point of view, because it will be regarded as a flagrant breach of the Permanent Settlement, and will therefore shake the confidence of the landed proprietors in the Government. It will be disastrous to the zamindars, because it will not only deprive them of their rights but will render zamindari management for the future absolutely impossible. It will be disastrous to the raiyats, because it will give rise to endless disputes and lead to interminable litigation, For these reasons I am strongly of opinion that the Bill should be withdrawn, and that any measure which may hereafter be proposed should be drawn upon the lines of the present law, instead of sweeping away existing landmarks and disorganizing the whole fabric of rural society. I shall, therefore, vote against the motion that the Bill be taken into consideration".

Page—197. The adjourned debate on the Bill was resumed this day.

The Hon'ble the Maharaja of Darbhanga said :—"The Council will perhaps permit me to make one or two general observations upon the amendments which stand in my name. I have determined to withdraw a very considrable number, because I am willing to take up the time of the Council in urging amendments which I see from the course that the debate has taken would have very little chance of being accepted. The remaining amendments are, I think, reasonable ones, and such as I may fairly hope this Council to accept. The Bill, as Your Lordship is aware, has made very serious inroads on the rights and privileges of the zamindars. A very general but most erroneous impression prevails that the Select Committee have made great concessions to the zamindars. The zamindars are certainly indebted to the Select Committee for resisting certain novel proposals, which, as the hon'ble member in charge of the Bill has told us were urged with all the authority and ability of the Government of Bengal. But it is difficult to understand how the successful resistence of these proposals can be considered as concessions to the zamindars. There is hardly a clause of the Bill which does not change the law to their disfavour. Now the object of my amendments is not to ask for concessions to the zamindars, but to maintain the existing law as it stands at present. Those who advocate change are bound to show the necessity of the proposed innovation. Where serious alterations have been made in the existing law, and where these alterations could only be carried in the Select Committee by a narrow majority, this Council ought, I conceive, to reject such alterations, unless their necessity is clearly and conclusively shown. I hope therefore that the Council will give to me a fair and impartial consideration, and that, as moderate men, you will vote for the maintenance of the existing law, unless you are satisfied of the absolute necessity for innovation."

The Hon'ble the Maharaja of Darbhanga then by leave withdrew the following amendments :—

That in line 1 of section 1, clause (2) of the Bill, after the words "on such date" the words and figures "after June, 1885" be added.

That in line 5 of clause (3) of the same section, for the words "Town of Calcutta" the words "limits of any Municipality" be substituted.

That in the same clause, after the words "the Division of Orissa" the words "the Division of Bhagalpore" be added.

That in the same clause the words "the Division of Chittagong" be added.

That in the same clause the words "the Division of Dacca" be added.

That in the same clause the words "the Division of Rajshahye" be added.

That in the same clause the words "the Presidency Division" be added,

That in line 8 to 12 of the same clause the words "and the Local Government" to the end be omitted.

That to the same clause the following proviso be added :—

"Provided that in case the greater portion of an estate is situated in a tract to which this Act does not apply the whole of such an estate will be deemed for the purposes of this Act to be included within such excluded tract".

The Hon'ble the Maharaja of Darbhanga moved that to clause (3), section 1, the following further proviso be added :—

"Provided that this Act shall apply only to land which is the subject of agricultural or horticultural cultivation, or is used for purposes incidental thereto". He said :—

"My Lord, The entire justification of this measure of legislation, it may be granted, has been the supposed necessity of strengthening the position of the cultivator. The Act now in force, Act VIII of 1869 (B. C.), and its predecessor, Act X of 1859, which we now seek to supersede, did only apply to land which was the subject of agricultural or horticultural cultivation, or was used for purposes incidental thereto. If hon'ble members will turn to Babu Jogendra Nath Maulik's edition of Act VIII of 1869 (B. C.), they will find the following proposition established by the decisions of the High Court, namely, that Act X was not intended to apply to any land except land of which the main object was cultivation; that the occupation intended to be protected thereby was occupation of land considered as the subject of agricultural or horticultural cultivation and used for purposes incidental thereto, such as for the site of homestead, the raiyat or mali's dwelling-house. It did not include occupation, the main object of which was the dwelling-house itself, and where the cultivation of the soil, if any there were, was entirely subordinate to that; that lands leased for the purpose of building a house or a church were not the subject of the legislation of the Act of 1859, and therefore no right of occupancy could be acquired thereunder in such holdings; that no right of occupancy could be acquired in a julkur by a tenant in possession for a series of years; that the provisions of that law did not apply to a tank used only for the preservation and rearing of fish; that a right of occupancy was not acquired in a tank when a tank was the principal subject of the lease, and only so much land passed with the tank as was necessary for it, namely, for the banks; but where the land was let for cultivation, and there was a tank upon it, the tank would go with the land and if there was a right of occupancy in the land, there would be a right of occupancy in the tank as appurtenant thereto. I submit, my Lord, that my amendment fairly summarises the result of all these decisions, and should therefore be accepted as a re-enactment of the present law. In the Digest, Mr. Field attained the same goal by the following definition of the term 'land' :—

"Land when applied to land cultivated or held by a raiyat, means land used or to be used for agricultural or horticultural purposes. Explanation—Bastu, or homestead land, is land used for agricultural purposes when it is occupied by a raiyat if the rent of such bastu land is payable to the same landlord under whom such raiyat holds his cultivated land."

"It is true, as has been observed by the Hon'ble

Law Member, that the chapter treating of leases in the Transfer of Property Act of 1882 applies to all leases excepting leases for agricultural purposes, but the language of the 117th section of that Act is very peculiar :—

'None of the provisions of this chapter apply to leases for agricultural purposes, except in so far as the Local Government, with the previous sanction of the Governor General in Council may, by notification published in the local official Gazette, declare all or any of such provisions to be so applicable, together with, or subject to, those of the local law, if any, for the time being in force. Such notification shall not take effect until after the expiry of six months from the date of its publication'.

My Lord, I am unwilling to allow a matter of such importance to be at the mercy of notifications in the Gazette, and I would, therefore, ask this Hon'ble Council to re-enact the provisions of the present law. I had already, in suggesting a previous amendment, gone some way into the question. To certain extent they overlay each other. The previous amendment which I had intended to move was to save all lands within the municipal limit from the operation of this Act, irrespective of the object of the occupation. The object of the present amendment is to exclude all land in non-agricultural occupation, whereever situate, from the operation of this law. In the majority of instances the result would be the same, for the principal object of holding within municipal limits is not agriculture or horticulture, and similarly, on the other hand, in the open country the majority of holdings are agricultural. But in either case the change would be a fair recognition of a part of the existing law in favour of landlords, which I do not think has been the object of serious complaint, which professedly is outside the scope of the present legislation, and to which the principal reasons assigned in favour of this legislation are wholly inapplicable. I am glad to find that this was a subject which drew the attention of our hon'ble colleague Mr. Goodrich, in the course of the debate upon the motion of the hon'ble member in charge to take this Bill into consideration; and I have no doubt that on a little reflection this amendment will commend itself to the approval of your Lordship and of the other members of this Hon'ble Council. We are legislating now, be it remembered, for the cultivators of the soil, and not for the labourers of towns, who have no interest in land, and by the custom of the country as much as by the laws of Political economy the owner of land in the midst of urban populations, as well as the proprietor of land used for non-agricultural purposes, had made what terms he chose with the occupants under him without at all entailing those risks of administrative difficulty which we are told justify this new departure from the ancient custom and land law of the country passing by the name of the Bengal Tenancy Bill."

Page 203—The Hon'ble the Maharaja of Darbhanga by leave withdrew the following amendements :—

That for clause (7) of section 3 of the Bill the following be substituted :—'Tenure" means the interest of a person holding immediately or mediately under a proprietor and above a raiyat".

That in line 2 of clause (16) of the same section, after the words "any other officer" the words "of not less than ten years' standing" be added.

That in line 2 of clause (17) of the same section, after the words "any officer" the words "of not less than ten years' standing" be added.

Page 207—The Hon'ble The Maharaja of Darbhanga by leave withdrew the amendment that Chapter III be omitted.

Page 209—The Hon'ble the Maharaja of Darbhanga moved that Section 9 of the Bill be omitted.

Page 212—The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that in lines 4 and 5 of section 10 of the Bill, the words "consistent with the provisions of this Act and" be omitted.

The Hon'ble the Maharaja of Darbhanga moved that lines 4 and 5 of section 10 of the Bill be omitted, and the following proviso be added to the section.

"Provided that in case of contracts entered into since the commencement of this Act, a condition should be one consistent with the provisions of this Act".

The Hon'ble the Maharaja of Darbhanga moved that Section 11 be ommitted. He said :-"I think the question of the transferability of a permanent tenure had better be left to local custom in the same manner as with regard to occupancy holdings".

Page 213—The Hon'ble the Maharaja of Darbhanga moved that after section 13 of the Bill the following section be added :—

"The landlord, within sixty days from the service upon him of a notice of sale under section 12 or 13, may notify to the authority issuing the notice his objection that the transfer was against custom or contract, and may institute a suit in the proper Civil Court for obtaining such a declaration.

"The Court passing such a declaration shall, if the plaintiff so ask, pass an order requiring the purchaser to restore possession to vendor on such terms as the Court may consider proper between the contracting parties, and on the refusal of the vendor to take back possession, his landlord will have the power to enter into possession himself."

He said :—"The object of this motion is to protect existing custom. If it is the custom of tenure-holders to transfer their tenures without the consent of the landlord, the section would not touch that custom in any way."

Page 218—The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that in line 1 of section 18, the words "or rate of rent" and clause (b) be omitted.

Page 221—The Hon'ble the Maharaja of Darbhanga by leave withdrew the following amendments :—

"That in section 20, sub-section (1), line 1, for the word "person" the words "resident cultivator" be substituted

That to sub-section (4) of the same section, the words "when the landlord has recognized such joint tenancy" be added.

That for the word "co-sharer", whereever it occurs in the sub-section, the words "member of a joint undivided family" be substituted.

That sub-section (7) of the section be omitted.

Page 244—The Hon'ble the Maharaja of Darbhanga by leave withdrew the following amendments :—

That to section 21, sub-section (1), of the Bill, the following proviso be added :—

"Provided that such land is not larger in area than the quantity of land continuously held by him for the last twelve years."

The sub-section (2) of the same section be omitted. The Hon'ble the Maharaja of Darbhanga moved that in line 4 of section 23 of the Bill, after the word "unfit" the words "or permanently less fit" be inserted. He said :—"The object is to give the landlord sufficient protection against anything likely to permanently injure the land. I moved a similar amendment in Committee last year, but I believe that, although the Committee agreed with me in thinking that the landlord should have sufficient protection given to him to prevent the raiyat from doing anything likely to permanently injure the land; the wording of my amendment was not accepted. In any Bill of this sort, in which novel provisions for compensation for improvement have been inserted, it is only fair that some reciprocal advantage should also be given to the zamindar. It may be the case even now that some members might find some fault in the wording of the amendment, but I do not pretend to be much of a draftsman. I dare say, however, the Council will agree to the principle that some protection at least should be given to the raiyat which is likely to deteriorate the productive powers of the land".

The Hon'ble the Maharaja of Darbhanga said :—"All that I want to place before the Council is that they should in some way recognise the principle that the landlord should be protected from any act of the raiyat which is likely to deteriorate the letting value of the land in future, and if the Council agrees to that principle I am sure the hon'ble member in charge or the Law Member might be able in a day or two lay a better-worded amendment before the Council. When you give compensation to the raiyat for improvements, you must give some reciprocal advantages to the zamindar".

Page 263. The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that to section 25 the following clause be added :—

"(e) that he has not paid his rent at the appointed time".

The Hon'ble the Maharaja of Darbhanga moved that to section 25 the following clause be added :—

"that he has committed persistent waste by neglecting the repair of irrigation-work or caused the deterioration of the soil."

Page 264. The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendments that to section 25 the following clause be added :—

"(e) that he has, without his landlord's written consent, sub-divided or sub-let his holding, or any part thereof, save as expressly authorized by this Act.

"(f) that he has by writing, or statement reduced to writing, disclaimed the title of his landlord before any public officer or Court".

Page 284. The Hon'ble the Maharaja of Darbhanga moved that clause (a) of sub-section (1) of section 29 be omitted.

Page 295. The Hon'ble the Maharaja of Darbhanga moved that clause (b) of sub-section (1) of section 20 be omitted.

Page 309, The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that for clause (b) of section 30 the following be substituted :—

"(b) that the value of the produce of the land has been increased otherwise than by the agency or at the expense of the raiyat."

Page 311. The Hon'ble the Maharaja of Darbhanga moved that for clause (c) of section 30 the following be substituted.

"that the productive powers of the land have been increased otherwise than by the agency or at the expense of the raiyat".

Page 312. The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that to clause (d) of section 30 the words "or other specific cause, sudden or gradual, " be added.

Page 315. The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that in lines 3 to 6 of clause (b) of section 32, the words from "reduced by one-third", etc., to "purposes of comparison" be omitted.

Page 318. The Hon'ble The Maharaja of Darbhanga moved that in section 33, line 4, after the word "improvement" the words "made after the commencement of this Act" be inserted. He said :— "My reason is that zamindars who before the passing of this Act did not think of registering improvements made by them will be unable to get any enhancement on those improvements".

Page 320 The Hon'ble the Maharaja of Darbhanga by leave withdrew the following amendments :—

"That section 37 of the Bill be omitted.

That, in the event of his last preceding amendment not being carried, in lines 7 and 10 of sub-section (1) of section 37, for the words "fifteen years" the words "five years" be substituted.

That in lines 15 and 16 of sub-section (1) of section 37, the words "or dismissing the suit on the merits" be omitted.

That in section 38, clause (b) line 3, for the words "average local prices of staple food-crops" the words "in the value of the produce of the land" be substituted.

That in section 39, sub-section (3), line 6, for the words "one month" the words "two months" be substituted.

That in line 2 of sub-section (4) of section 39, after the words "Board of Revenue" the words "after hearing any of the interested parties who might have duly entered apearance" be added.

Page 323—The Hon'ble the Maharaja of Darbhanga by leave withdrew the amendment that in sub-section (7) of section 39, line 1, for the words "Local Government" the words "High Court" be substituted.

The consideration of the following amendment was temporarily postponed :—

The Hon'ble the Maharaja of Darbhanga to move that section 40 be omitted.

The Hon'ble the Maharaja of Darbhanga to move that, if his last preceding amendment be not carried, in sub-section (1) of section 40, lines 2 to 6, the words from "or on the estimated value", &c., to "partly in another" be omitted.

Also to move that in sub-section (1) of section 40, lines 6 and 7, for the words "either the raiyat or his landlord" the words "the raiyat and his landlord" be substituted.

Also to move that for sub-section (2) of section 40 the following be substituted, namely :—

"The application may be made to the Civil Court."

Also to move that for section 40, sub-section (3) and sub-section (4), clause (a) and (b), the following be substituted, namely :—

"On receipt of the application the Court shall ascertain the description and quantity of the rent in kind paid or payable for the last preceding ten years, and the tenants shall pay in future each year the amount in money which would purchase the same description and quantity of produce at the average prices prevailing for the same in the locality for the five years immediately preceding that for which payment is made."

Also to move that in sub-section (5) of section 40, in line 5 for the words "revenue proceeding" the words "civil suit" be substituted.

The Hon'ble the Maharaja of Darbhanga moved that section 43 be omitted.

Page 327— The Hon'ble The Maharaja of Darbhanga by leave withdrew the amendment that in clause (b) of section 44, line 4, the words "consistent with this Act, and" be omitted.

The Hon'ble the Maharaja of Darbhanga moved that in clause (c) of section 44, line 2, the word "registered" be omitted. He said :— "The reason is that there is no registered lease."

The amendment was put and negatived.

Page 421—The Hon'ble the Maharaja of Darbhanga said :—

"I do not wish to say anything, because I do not think any argument which I may bring forward will tend to persuade the Council to go against the decision to which the Government have already come."

Page 428— The Hon'ble the Maharaja of Darbhanga said :—

"We have now, my Lord, reached the final stage in the discussion of this Bill. Nothing that I can say will, I am aware, influence the Council in their determination to pass the Bill; but in justice to myself I feel bound to make one or two observations. I have opposed the Bill from the very first, because I considered it an impracticable, unfair and unworkable measure, and, viewing it in its final form, I am still of same opinion. My hon'ble friend Babu Peari Moham Mukerji and myself, however, weak we may be in debate have certainly one advantage over the majority of the members of this Council——in the practical experience that we possess of zamindari management. I yield to no one in my desire to see the raiyats protected from oppression, but it is my deliberate opinion that this Bill will not accomplish this object; on the contrary, I believe that the legislative safeguards which you have provided, the constant intervention of Revenue-officers in all the details of agricultural life, will lead to the most widespread confusion, and will be as disastrous to the raiyats as to the zamindars themselves. My hon'ble friend and myself have endeavoured, to the best of our ability, to point out these dangers to the Council, but our proposed amendments have, almost without exception, been rejected; and the reasonable hopes that we have entertained in the moderation of the Council have been disappointed. I view with the deepest concern the outlook before us. I dread the passions and animosities which this legislation will kindle and inflame. We are embarking rashly on a sea of change, and many will be shipwrecked on the voyage. Such vast innovations cannot be introduced into the rural economy of the province without exciting great commotions. I can only hope that these anticipations may not be realised; but, whatever may be the result, I have, at any rate, the satisfaction of feeling that I have acted as a true friend of my country and the Government in warning you of the political dangers which I believe underlie the proposed legislation".

IMPERIAL COUNCIL PROCEEDINGS

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COTTON DUTIES BILL

The Hon'ble the Maharaja of Darbhanga said :— "After the very eloquent speech that has just been delivered by my hon'ble friend Sir Griffith Evans, and the very exhaustive way in which the question has been dealt with by Mr. Playfair I need only detain the Council for a short time. It is with the greatest pleasure that I wish to say a few words in support of amendment that has just now been moved by the hon'ble member from Bombay. As far as I can make out, there is still a difference of opinion as to whether the outturn from Indian mills of yarns under 24 is sufficient to justify the supposition that their exemption from the payment of excise-duty can, to any appreciable extent, interfere with the trade that Manchester carries on in such classes of yarns. We have no sufficient statistics before us to form any opinion. No proper enquiry has as yet been undertaken. The only thing that is proved, my Lord, is that the total amount of revenue which such a tax is likely to bring in is, comparatively speaking, of not much importance. And it is, therefore, naturally expected that till a thorough enquiry is taken in hand no tax should be levied. The reason why I support the amendment is not because I wish Indian trade to be protected against that of Lancashire. Every Indian who loves his country will support free-trade. Free-trade is the natural commercial policy of a country like India, which is chiefly a producer with but few manufactures of its own. Nobody regrets more than I do the necessity that has compelled the Governmet to impose a general system of import duties. It cannot be denied that it has created a certain amount of unrest amongst some of the commercial classes, and that the policy is unpopular amongst other important classes of the community as well. In my humble opinion, the only possible way to allay this feeling ot unrest is to reduce our annual expenditure so as to do away with the necessity of having to impose any import-duties at all. But we are now discussing the question of cotton-duties, and not the budget. And from the remarks that were made by my hon'ble friend the Military Member of this Council in March last, I feel convinced that the Government itself is fully in earnest about the necessity of curtailing expenses. I, therefore, do not wish to say anything further on this subject at present. But if, my Lord, it may happen, as indeed it has happened before and will happen in the future, that for revenue purposes and to meet the needful extraordinary expenses of the state, resort must be had to special taxation, then the imposition of import-duties is the least objectionable form of taxation. At least taxation in this form is much less felt than any sort of direct taxation provided that these duties are low and within the limits where their incidence cannot be felt by the people. As soon as they become felt, they become objectionable. And what I wish to point out to an excise-duty without a proper enquiry, it will be felt, and can only be justifiable by the admission that this duty is necessary for the purposes of protection".

INDIAN TRAIFF BILL

The Hon'ble the Maharaja of Darbhanga said :—

"The imposition on the taxpayers of India of a vast system of import-duties, with the sole exemption of cotton goods, seems to me very much to resemble a performance of the play of Hamlet from which the part of Hamlet himself is altogether omitted. When import duties have been talked about, whether in the Herschell Committee or elsewhere, as a possible means of relief from our financial difficulties it is absolutely undeniable that what has been meant primarily is an import-duty on cotton goods. The wording of the report of the Herschell Committee is sufficient to prove this; and it is assumed therein, and is, I fear, notorious, that the chief, if not the only, objection to such a duty is the fear lest it should arouse the hostility of certain powerful interests in the Imperial Parliament. It is impossible in these times of financial difficulty and embarrassment to allege of any of these duties that they are imposed for the purpose of protection. It is obvious, and is indeed admitted, that we are imposing these duties for revenue purposes only, and not for the sake of protection and therefore the only possible excuse of a fair and honourable kind that might have been urged for the exemption of cotton goods is at once taken away.

"But I go further than this. I say that a moment's consideration will show conclusively that this exemption is itself a protective measure of the most scandalous nature when combined with the duties that are to be so freely imposed on materials of, and machinary for, our own indigenous industries.

"For example. let us consider the meaning of a duty on the import of the various raw or partly manufactured articles that are used as mill stores in our cotton mills. It is unnecessary to point out that this is a protective duty protecting the mills of England against our own mills. Or again, take the case of the immense import of coloured cotton goods that are brought to this country from England in prodigious quantities, and that are under this tariff to come in free of duty. The indigenous manufacture of coloured cotton goods that has hitherto competed with these imports from England depends largely on the cheap import of aniline dyes and other colours; and the importance of this industry is plainly shown by the fact that these colouring stuffs are at present imported to the value of, I believe, over half a crore per annum. Now we are going to tax these dyes which enable us to compete with the imported coloured cotton goods, and yet we propose to admit the latter free of all duty. The unfairness of the proceedings is obvious on the face of it, and therefore I maintain that it is quite impossible for any Government that values the good opinion of the civilized world, and that desires to consult the interests of its own subjects, to persist in carrying it through.

"And while I deplore the omission of the import-duty on cotton goods, because that omission protects the industry of others and injures our indigenous industries, I object to some of the duties imposed by this Bill for precisely similar reasons.

"Take the case of the five percent, that we are invited to impose on the import of iron, copper, brass and other metals. Vast quantities of metal utensils, tools and so forth are used for domestic purposes, and in agriculture and in other ways by the labouring masses of the Indian populations; and it is of course quite certain that each and all these will be rendered dearer for the poor raiyat of India, while our indigenous metal industry will be seriously handicapped by the new taxation.

"But the most painful contrast to the indulgent treatment of imported cotton goods that is afforded by this Bill is the tax on the import of petroleum, the only imported, commodity, except salt that is very largely, and indeed almost universally, consumed by the millions of our poorest and most hard-working classes in India.

"The Tariff Bill is not the Budget, and therefore I do not here suggest any alternative policy other than the inclusion of cotton goods in the schedule of commodities to be taxed on import. But if the old proverb be still true, that a penny saved is a penny gained, then the Executive Government may well be advised to seek increased resources in diminished expenditure.

IMPERIAL COUNCIL PROCEEDINGS, VOL. XXXIV

1895, Page 70.

ACT V OF 1861 (POLICE) AMENDMENT BILL

The Hon'ble Sir Antony MacDonnell moved that the Bill to amend Act V of 1861 (an Act for the Regulation of Police) be referred to a Select Commitee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble Maharaja Bahadur of Darbhanga, the Hon'ble Gangadhar Rao Madhav Chitnavis, the Hon'ble Mr. Lee Warner, the Hon'ble Mohiny Mohun Roy, the Hon'ble Sir Frederick Fryer and the Mover, with instructions to report within one month.

Page 88-99—The Hon'ble the Maharaja of Darbhanga said:—"The Bill under consideraion is one to which I find it impossible to accord my support. The principle under which minor administrative changes are introduced side by side with innovations of such importance and fraught with such consequences as those contemplated by sections 4 and 5 of the Bill cannot, in my humble opinion, be too strongly deprecated; proposals such as those to which I have referred can lose nothing by the fullest and freest discussion. I can have no doubt the Government desire that discussion as keenly as any of those classes whose interests are likely to be affected by the Bill. But the attention of the public is apt to be distracted if the nugget is, as it were, shrouded from view in an envelop of comparatively worthless dross. The minor administrative changes contained in the earlier portion of the Bill are no doubt of a purely non-contentious character, and I shall not weary Your Lordship with any prolonged criticism of them. Under other circumstances, and if the Bill had proceeded no further, I should not have deemed it my duty to range myself upon the opposite side to the Hon'ble Member who is in charge of the Bill; but these unimportant items are not on the present occasion seriously put forward. They are not in reality part of the Bill at all; the gist of the Bill does not lie in their direction, and I have heard them described by many persons, although I myself hesitate to employ such a metaphor, as a mere red-herring drawn across the path. On the general grounds which I have indicated, therefore, I am compelled to record my judgment against the Bill as a whole, although I will venture to express a hope that the Hon'ble Member may be able to see his way in Committee towards the dropping of the two obnoxious sections in the body of the Bill. I cannot agree in thinking that the Bill as at present drafted is of a purely preventive character. The precedent is not one to which I feel that he can upon reflection accord his assent, and speaking, as I do, as a member of the public, I desire to protest against it. No one would, I venture to suppose, be more astonished than the Hon'ble Member himself if Reuter's Telegram Company were to inform us that Her Majesty's Government had determined to introduce a Bill amending and codifying the rules relating to the Royal Irish Constabulary, and that a provision was contained in one of its sections under which all persons having an interest in land in disturbed districts were rendered liable for the preservation of order in those districts. I confess I am unable to serve any difference between the Bill now under discussion and the suppositious case I am putting; but there are other reasons besides the general grounds with which I have been dealing which influence me in withholding my support from the Bill. Section 4, which is intended to replace section 15 of the Police Act of 1861, is the first to which I propose to direct my attention. The Hon'ble Member in charge of the Bill tells us in his Statement of Object and Reasons that it has been recognised as desirable to allow a discretion to levy the cost of an additional police from those persons only whose conduct has rendered the employment of the additional force necessary. That discretion, which is as full as the meaning of the word permits, is given to the Magistrate of the district, and, so far as I am able to judge from the Bill itself, no appeal will lie from his order of apportionment to any higher authority, acting as he would be under this section in his capacity as an executive officer; he would not be subject to any control from the High Court or any other higher authority. The result of the amendment is undoubtedly to bring under the operations of the sections several classes of individuals who have hitherto only been liable under the provisions of other Acts. In considering the proposal I will, with Your Lordship's permission, first call attention to the law as it stands. Section 15 of the Police Act of 1861 runs as follows :— "It shall be lawful for the Inspector-General of Police, with the sanction of the Local Government, to employ any police-force in excess of the ordinary fixed complement to be quartered in any part of the general police-district which shall be found to be in a disturbed or dangerous state or in any part of the general police-district in which from the conduct of the inhabitants he may deem it expedient to increase the numbers of police." These words are not altered in any way by proposed new section but I quote them advisedly. The section is intended, and clearly intended, to be preventive in its operation. The object of the section is to prevent, by the quartering of additional police. the recurrence of disturbance, and to secure that object by making the whole of the inhabitants of the district without distinction or difference vitally interested in the preservation of order. There is nothing of a penal character in the section as it now stands, and it was not until the introduction of the present Bill that any such interpretation has been put upon it, I will ask the Hon'ble Member in charge of the Bill whether any such penal interpretation is possible. It cannot surely be intended by him that a double punishment should be inflicted by the executive authorities as well as by the judiciary on breakers of the public peace. It is to be assumed———and there is nothing outrageous in the assumption— that the persons concerned in the affray which is to procure for the district its unenviable notoriety either have been or will be duly punished if guilty by a competent court of justice. It is proposed by the Hon'ble Member to fine these persons in addition at the discretion of the Magistrate of the district. It may be that the persons, who, to quote the amendment proposed, have in the opinion of the Magistrate, caused or contributed to the disturbance, may succeed in convincing the Sessions Judge of their entire non-complicity in the affair. Does the Hon'ble Member intend the section to apply to such cases?

"It does not appear to me that it could be restricted from such application as at present drafted. The apportionment is absolutely at the arbitrary discretion of the Magistrate. To him alone is left to decide what persons are free from blame and what persons are principals or accessories. I venture to submit that the measure proposed is a very strong one. As Mr. Allen, the Magistrate of Midnapur, an officer of much experience, observes :—

'The whole responsibility is thrust in a light-hearted way on the District Magistrate, subject only to confirmation by the Commissioner, who, as a rule, must have less local knowledge of the subject than even the Magistrate himself. The latter official is given a very free hand. Every thing is left to his opinion, and that too at a time when junior civilians of sometimes under three years' service are officiating as District Magistrate. Before forming an opinion, the Magistrate is not bound to hold any enquiry, local or otherwise, nor need he call for or listen to any objections from the persons he proposes to tax. Even junior Magistrates acquire prejudices in favour of or against certain religions and callings, Hindus or Muhammandans, landlords or tenants, European indigo-planters or zamindars, surely it is under these circumstances hardly safe to vest Magistrates with such arbitrary and untrammelled powers'.

"The measure is in fact of so novel and drastic a character that it is incumbent upon its upholders to demonstrate its necessity in the strongest and most unmistakeable terms. A Magistrate is not infallible. His discretion may frequently err. It may even happen, though I am happy to think such cases are rare, that the Magistrate may adopt an attitude of antagonism to the Judge. Acting in perfect good faith, and as he believes in the best interests of the district of which he has charge, he may mark his sense of disapprobation of the finding of the Session Court by mulcting those persons whom that Court has acquitted, but who, in his opinion, are responsible for the outrage that has been committed. And he is at perfect liberty to do so under the provisions of section 4 in its present shape. Nay more, for the facts must be surveyed from every point of view; cases may even occur in which the Local Government may think fit to uphold the action of the Magistrate. In plain language the section gives the Magistrate of the District the power of redressing, if he so pleases, what he conceives to be a miscarriage of Justice on the part of the judicial authorities. Apart from the unmerited slur that the placing of such a power in the hands of the executive casts upon the judiciary, the Hon'ble Member's proposal to inflict a double punishment is wholly contrary to all the principles and maxims of law and justice with which I am acquainted. I ask the Government to pause before they give the force of law to such powers and invest them with the sanction of the highest authority in the land. It cannot be urged that the amendment proposed will in any way act as a deterrent. The section as it stands at present upon the statute book is open to grave objections. It is frequently productive of great hardship and even greater injustice. It is at best only a clumsy method of attaining an object which so highly organized an administration as ours should have no difficulty in securing by ordinary judicial means. But, if the amendment proposed by the Hon'ble Member is carried into law, the hardship and injustice will be intensified a hundred fold. Granted that it is impossible to preserve order in a district without the quartering upon the inhabitants of additional police, the ordinary dictates of justice surely demand if the cost is to be borne at all by the inhabitants of the district, it should be borne by all alike. The Hon'ble Member's proposal is, that certain classes alone shall be liable for such costs, and that the determination of such classes and the apportionment of the costs shall rest entirely at the discretion of the Magistrate of the district. Two of the judges of the Calcutta High Court made some most pertinent remarks upon this point. They said :—

'The vesting of Magistrates with such extraordinary powers in supersession of the ordinary Courts of law can be justified only under very exceptional conditions, and by pressing necessity. The Statement of objects and Reasons discloses no such necessity, and so far as concerns the Bengal Presidency we are not prepared to say that any such necessity has arisen.

'Provisions of the kind under consideration are of an exceptional nature, and should not, we think, find place in an enactment applicable to the whole of British India, and relating to a subject with which their connection is but remote and incidental.

'In making the above observations we have not lost sight of the fact that there are provisions in the English statute-book (40 & 50 Victoria, c, 38) apparently of an analogous character. But the analogy between the provisions now under consideration and those of the English Statute is more apparent than real By the English Act compensation may be awarded for injury to property caused by riot out of the police-rate, which is a definite rate levied on all persons under well-defined conditions, the conduct of the injured party being taken into consideration in assessing the amount, and the interests of the police authorities being evidently allied to, if not identical with, those of the rate payers, whereas the Bill before us provides for the levying of compensation by way of penalty to be summarily inflicted by the Magistrate on persons whose misconduct has caused or led to the injury to be compensated.

"The provisions under notice are no doubt intended to apply only to the guilty. But we have grave apprehensions that in their practical application they will not be limited to the guilty, but may in many cases, from the very nature of the enquiry, which will be only of a summary charcter, lead to the indiscriminate punishment of the innocent and the guilty. And the penalty being directed to be imposed upon a person only with referenc to his means and irrespective of the extent of his complicity in the riot, it may, we apprehend, lead to great hardship, and its deterrent effect upon wrongdoers will be very small".

"Again, has the Hon'ble Member considered the effects that his proposal will produce upon the rival religious communities in this country ? Far from composing and conciliating angry and excited feeling, the Government will find itself, willy-nilly, in the position of a fomenter of religious discord. A religious riot having broken out in a district, it becomes the duty of the authorities to procure the punishment of the ringleaders, and as the present law stands, by rendering both sections of the communities liable for the preservation of order to prevent a repetition of the disturbance. But it does not require any painful effort of the imagination to foresee the mischievous results which will inevitably be the new law. The Government of Bengal are themselves keenly alive to the grave consequences; for I note that they remark in their letter to the Legislative Department that 'there is danger of these powers being used in a one-sided way, and in such a manner as to produce the effect on the public mind of a victory for one side or the other.' The apportionment of the cost on a particular section, be they Hindus or be they Muhammadans, I care not which, can only result in renewed embitterment between the two factions. The feud will be perpetuated, and a most unfortunate impression will be created that the head of the district is in sympathy with one faction to the exclusion and detriment of the other. Nor will its effects be less harmful in the case of agrarian disturbance. The Magistrate by abandoning his attitude of impartiality, as he must needs abandon it if he elects to differentiate between the various classes, will let loose that very torrent of litigation and unrest which it is his duty to allay. I am happy to find that I am supported in the view that I have been putting forward by Mr. Forbes, the Commissioner of the Patna Division, whose experience and judgment as a Behar official of long standing are especially valuable in the present connection. I will quote the whole of his remarks upon the point, and I do so the more gladly, as I note that His Honour the Lieutenant Governor has directed particular attention of the Government of India in his covering letter—

'It seems to me', he says, 'that the whole of subclause (b) and especially the sentence that I object to, has been drafted on the assumption that the measure of quartering additional police is a punitive and not merely a preventive measure; for it practically makes it the duty of the Magistrate to enquire into and adjudicate upon the question of blame, and assess the cost accordingly. I am confident that the provision in its proposed shape will cause immense practical difficulties in the way of working the section.

'There is a further objection, based on wider grounds, to the law laying down that only such and such persons or classes are liable to assessment, and that such and such others shall not be assessed. In many cases it is expedient, in the interests of the public peace, that not only the agitating class, but also the class against whom the agitation is set on foot, should contribute. During the late anti-kine killing agitation in this division a question arose as to whether in particular instances the Muhammadans, against whom the agitation was raised, should not be assessed jointly with the Hindus who raised it. I decided, after full consideration, that both parties should pay their share of the costs on the ground that, if the Hindus were alone assessed, the Muhammadans might in their excited mood take advantage of the fact in an unfair manner. The more offence they could give in such a quiet occult manner as not to get themselves into trouble with the authorities, the betterf rom their point of view— for them. If the Hindus could be galled into commiting a disturbance, the Hindus alone would be punished. If the Hindus through fear of consequences put up with the affront, the Muhammadans would score a point all the same. But the result of the decision referred to was in the end to induce the Muhammadans to take special care to give as little offence as possible to the religious feelings of the Hindus and at the late Bakr-Id there was no perceptible increase in the number of customary kine sacrifices, as there undoubtedly would have been had a contrary policy been followed. And in several instances, where the feelings of either party got the better of their self-control, both sides immediately came in to the Magistrate with a joint petition for forgiveness. The fact is that in matters of this kind, especially during times of religious agitation, the responsible authorities must be allowed a free hand in exercising their discretion. The law, as it now stands, if strictly read, does not permit the Magistrate to exempt anyone from bearing his share of the cost. This, though it has sometimes no doubt been hard on individuals, has in the interests of the community at large hitherto worked well. I admit, however, that it would be better if the law were more elastic in this matter, and if the authorities were allowed some discretion in the direction of exempting deserving persons. But the authorities must not be fettered in their use of this discretion. It is not merely lukewarm persons "who are not to blame" persons who are entirely indifferent one way or the other, who are to be specially selected for exemption from a share in the common burden. As a rule, it is only those who have rendered conspicuous assistance in preserving peace and allaying agitation who should be thus signally rewarded; nor is it only persons who "have cause or contributed to the disturbance" who are to be made responsible for the public peace in the future. All this would be right and proper enough if the measure were intended as a retributive one———as a punitive measure. But this is not, and it has never been, regarded as such by any previous legislation. The measure is a purely preventive one, the principle being to enlist the whole public feeling on the side of order. The indifferent people who have not lifted a finger one way or the other

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are among those whose influence it is particularly desirable to secure. And even if the measure is to be regarded as in any way a retributive one, these men cannot complain if they have to pay for their previous indifference.'

These words, my Lord, are so weighty and well-considered that I feel it to be altogether unnecessary for me to add to them. But there exists a still more formidable ground for objection to the proposed amendments. For unless the Hon'ble Member in charge of the Bill can show that the classes he proposes to fix with liability are not amply affected by other acts and rendered properly amenable to the law for breaches of the peace, the necessity for his proposals pointed out in their representation to the Government—— and they have stated the matter so clearly and concisely that I cannot do better than adopt their phraseology—— sections 154, 155, and 156 of the Indian Penal Code make the 'owner or occupier of land' punishable whenever an unlawful assembly or riot takes place. But there is a statutory proviso that his liability is to be coextensive with his or his agent's previous knowledge. Unless and until it is shown that he or his agent or manager, having reason to believe that such riot or unlawful assembly is likely to be committed, do not give information to the police and use all lawful means in their power to prevent it, neither he nor his representative are liable to punishment. He is equally punishable if a riot is committed for his benefit, and in this case it is immaterial whether he has previous knowledge or not if he or his local manager or agent do not use all lawful means in their power to disperse and suppress the riot. Nor are these the only means placed at the disposal of the authorities for the preservation of order. For Chapter XII of the Code of Criminal Procedure gives ample powers to Magistrate to prevent breaches of the peace likely to be caused by disputes relating to land and easements. Section 146 empowers the Magistrate to attach the subject-matter of the dispute pending the determination of the rights of the rival parties by a competent Civil Court. Section 147 deals with disputes concerning easements, and section 148 with the question of local enquiries and cost. It is impossible to demand any fuller exposition of the law on the point. Here I quote the sections :—

"Section 145—Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in persons or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

"The Magistrate shall then, without reference to the merits of the claims of any such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

"If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in the course of law and forbidding all disturbance of such possession until such eviction. Nothing in this section shall preclude any party so required to attend from shewing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his order, and all further proceedings thereon shall be stayed.

"Section 146—If the Magistrate decides that none of the parties is then to such possession, or is unable to satisfy himself as to which of them is then in such possession of the subject of dispute, he may attach it until a competent Civil Court has determined the right of the parties thereto or the person entitled to possession thereof.

"Section 147—Disputes concerning easements—Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of a thing in or upon any tangible immoveable, property situated within the local limits of his jurisdiction, he may inquire into the matter, and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done, or claiming that such thing may be done, obtains the decision of a competent Civil Court, adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be; Provided that no order shall be passed under this section permitting the doing of anything were the right to do such thing is exercisable at all times of the years, unless such right has been exercised within three months next before the institution of the inquiry, or, where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

"Section 148—Local Inquiry—Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid. The report of the person so deputed may be read as evidence in the case.

'Order as to costs—When any costs have been incurred by any party to a proceeding under this chapter for witnesses or pleaders fees, or both, the Magistrate passing a decision under section 145, 146 or 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.'

And it is, in fact, because the criminal responsibility of landlords in regards for unlawful assemblies and riots and the methods of preventing such offences when possible have been thus clearly and definitely laid down that the framers of section 25 of the Police Act of 1861 contented themselves with making provision with reference to the inhabitants only of the place in which a breach of the peace might occur. The existing law, therefore, as Mr. Vincent, the Magistrate of Burdwan, observes, provides amply and sufficiently for the preservation of the peace. It takes complete cognisance of all possible responsibility which might attach to any person by the occurrence of a riot. Where, then, is the necessity for a change in the law which the Hon'ble Member proposes? He proposes, in so many words, to provide for the recovery of the cost of the extra police-force from persons having an interest in land in the disturbed district. Does the Hon'ble Member seriously contend that it is intended to affect with such grave liability landholders who are not even residents in the districts in question, and who may be wholly free from blame, and indeed absolutely ignorant of the fact that riots had been committed on their estates ? I am loth to put such a construction upon the words or to impute such an intention to the Hon'ble Member in charge of the Bill, but I am totally unable to place a different meaning upon the section. I am unwilling, I say, to put such a construction upon the language of the Hon'ble Member's amendment. I am unwilling to believe that it is seriously proposed to impose liabilities and responsibilities on principles wholly arbitrary and unjust.

"An affray takes place in a distant portion of an estate—between Hindus and Muhammadans regarding the slaughter of the cow. The Hon'ble Member would give power to the Magistrate of the district to quarter an additional police-force in the disturbed portion and to recover the cost of the same from the zamindar, who might be a resident in Calcutta, or even absent in England. Any person or class of persons who in the opinion of the Magistrate have been free from blame gives no discretion to the Magistrate in the case of owners or occupiers of land. They are classed with the inhabitants of the district and are liable together with them, unless the Magistrate should think fit to apportion the cost among certain classes. Nor is this all. The words 'persons having an interest' are so vague and indefinite that it is impossible to restrict their application. As the Bill now stands, tenants, mortgagees and annuitants holding a lien on landed property fall within its operation, side by side, with zamindars and subordinate tenure-holders. Had the Government wished absolutely to discourage all traffic in landed property in the country, they could not have devised a more thorough method. I grant that the Hon'ble Member would be justified in proceeding with the proposal if he were able to make a strong case in its favour. But can he do so? I have shown that the existing law amply provides for the punishment of those zamindars who fail in their bounden duty to preserve the public peace upon their estates, while the inhabitants themselves are liable to contribute towards the cost of the extraordinary means which may be necessary for the restoration of order. Wherein lies the justification of saddling absentee landlords with a protion of the cost? Wherein lies its necessity? Does the Hon'ble Member, in a word, seriously contend that the mere possession of an interest in land of whatsoever character in a disturbed district is of itself a reason for liability? In other words does he mean to say that the mere holding of land in a disturbed district is a penal offence? The Hon'ble Member has evidently failed to grasp the full purport of his proposals. Is it too much to ask that he will withdraw section 4 from the Bill? Such measures, as I have already said, can only be defended upon the ground of the most urgent necessity. The condition of the country is not such as to demand so drastic and coercive a remedy. I would remind the Hon'ble Member that, drastic and coercive as the Irish Crimes Act of 1887 was intended to be, its framers and its supporters shrank from incorporating among its provisions any section so novel and so entirely revolutionary as that which has been laid before us to-day. I cannot help recalling the noble and statesmanlike words of Henry Colebrooke :—

'It is of the utmost importance,' he wrote in 1808 'it is essential to the safety of the State, to conciliate the great body, the landed proprietors, to attach to the British Government that class of persons whose influence is most permanent and most extensive, to render it their palpable interest to uphold the permanence of the British dominion, to give them a valuable stake in the administration of the country.'

"These words, although written when the century was yet young, are as true to-day as they were 87 years ago. I commend the attention of the Hon'ble Member to them, and I ask of what omissions or of what offences have the landowners of this country been guilty, beyond the undoubted fact that some of them do not live upon their estates, that they should be described by Government as a class who stir up strife or send agents to rack-rent, and oppress and so cause strife without incurring any danger themselves ? That there may be a landlord here and a landlord there who is guilty of such mean acts I do not deny. But let all such people have a chance of defending their character before being punished. I venture to submit that so sweeping and general condemnation is most unjust to the class to which I belong; that they are worthy of more consideration at the hands of an administration whom they have always loyally served and for whom they have made many sacrifices.

"I have already wearied Your Lordship too long, but, I cannot close my remarks without a reference to the next section (5) in the Hon'ble Member's Bill, namely, that which empowers the Magistrate to award compensation to sufferers from the misconduct of the inhabitants of the proclaimed districts, or from those persons interested in land in those districts. I submit that it cannot in any way advance the interests of justice that a concurrent jurisdiction should be vasted in a Magistrate to award damages for wrong done. The injured party has his remedies both civil and criminal, open to him. I can conceive the Hon'ble Member feeling it to be unnecessary to give such powers to the executive authorities on the ground of the weakness or corruptness of the Civil and

Criminal Courts. Are there such grounds in the present case to justify this belittling of the administration of justice ? Nor is this all. The proposal of the Hon'ble Member is the more extraordinary in that it vests a Criminal Court with power to adjudicate finally upon questions of civil rights, and, as far as I am able to judge from the Bill, it goes even further and deprives the aggrieved party of the right of appeal, either to the District Judge or the High Court. I repeat that I can only appreciate the full force of the Hon'ble Member's proposal on the supposition that the administration of justice has proved a failure. That was the ground on which the Irish Coercion Bill was defended by its supporters. Is the Hon'ble Member prepared to adopt a similar line of defence ? It is the only line of defence open to him. On all other grounds his proposals are not only utterly undefensible but opposed to all principles of justice as well as of jurisprudence. I appeal to the Hon'ble Member to withdraw these two sections (4 and 5) of the Bill. He stands last among those from whom I should have expected a measure of the kind that is now before us. I find him not only adopting the numerous Irish repressive Statutes as his model, but going far beyond purview in his well-meant efforts to preserve the public peace. But the bugbear which he desires to destroy is not in existence. It is a mere creature of imagination. The necessity which called for repressive legislation in Ireland is conspicuously absent in India. And in my opinion necessity of the most urgent and peremptory character should exist before such legislation is resorted to. It is because I feel that no such necessity has been demonstrated that I record my protest against a measure whose main provisions are so repugnant not only to my convictions, but to all my conceptions of equity and justice."

Page 215. The Hon'ble the Maharaja of Darbhanga said :— "I also support the Hon'ble Members motion".

The amendment was put and negatived.

Civil Procedure Code Amendment Bill, 1895

Page 13. The Hon'ble Sir Alexander Miller also moved that the Hon'ble Maharaja Bahadur of Darbhanga, the Hon'ble Prince Sir Jahan Kadr Meerza Wahid Ali Bahadur, the Hon'ble Mohiny Mohun Roy and the Hon'ble Sir Griffith Evans be added to the Select Committee on the Bill to amend certain sections of the Punjab Laws Act, 1872.

Page 197. The Hon'ble The Maharaja of Darbhanga said :—"As a member of the Select Committee I wish to say a few words to explain the reason why in Select Committee I was unable to vote for an amendment very similar to that now proposed by the Hon'ble Mr. Mehta. I quite agree with the Hon'ble Mr. Chitnavis in thinking that there is absolutely nothing in the Hindu religion to force an unwilling wife to cohabit with her husband. In fact, I belive there are certain cases in which it is found that the orthodox Hindu community would only be too glad if this law of imprisonment is done away with. For instance, there might be a case in which the husband or wife might have changed their religions. In all such cases I think every orthodox Hindu will agree with me in thinking that the husband or the wife should have full liberty either to live together or not as they please. Then again there are cases where the husband or wife might be suffering from infectious diseases, or cases where the wife might be subject to very cruel treatment from her husband. In all such cases I think it is our duty to protect the wife, and I think the orthodox community as a class would not object to restrictions being put on the power of the courts to imprison unwilling wives or husbands, as the case might be. The only reason why I was forced to vote against the amendment was because after what I thought there might be some chance of exciting the fanaticism of the Sikh community. He seemed to think that any change in the present law would do this, and therefore I hesitated to vote for the amendment. It might lead to grave political consequences".

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EPIDEMIC DISEASE

The Hon'ble the Maharaja of Darbhanga said :— "My Lord, I desire to congratulate Your Lordship's Government on having introduced this measure for the prevention of the spread of dangerous epidemic disease. It is a measure worthy of a great and enlightened Government which watches with anxious solicitude over the health and the happiness of the people. It is a part of that noble and beneficent policy which has recently found expression in that magnificent system of organisation which has been formed throughout the country to meet what has rightly been described as the greatest famine of this century. My Lord, war, pestilence and famine are the scourges of life—call them visitations of

Providence if you like. A Government which sets about in right earnest to meet famine and pestilence, to mitigate the miseries of famine-stricken sufferers, and to prevent the spread of the plague is entitled to the lasting gratitude of the community over which it presides. I therefore give expression to the sense of the community when I say that we are deeply grateful to Your Lordship's Government for the Bill which is now before us. I could only wish that it had been introduced earlier, and that when it became definitely known that the plague had appeared in Bombay, decisive steps had been taken to root it out by establishing a cordon round the infected area or by taking such other measures as might have been deemed necessary by sanitary experts. I quite see that the matter is urgent, and that it does not admit of postponement. I for one, having regard to the gravity of the situation, would be the last person to counsel the adjournment of this important measure. But I cannot help remarking that, if the Bill had been introduced earlier, the opinions of representative men and of represetative non-official bodies might have been obtained and valuable suggestions placed at our disposal, which would have been of material help in legislating upon this novel and somewhat difficult subject. Nor is the fact to be overlooked that opposition from a certain class who hold very strong religious views is inevitable. Discussion would have allayed the spirit of opposition, and the course of legislation been rendered somewhat more smooth and easy. Under the circumstances, I am bound to say that it would have been a great advantage if this Bill could have been introduced at the very beginning of the session. Full opportunity would then have been afforded for the thorough discussion of the measure in all its bearings. I need hardly observe that a measure like this, in order that it may be successful, must enlist the sympathies of the people. Supported by popular feelings, the sanitarian may achieve great results, but he is doomed to failure if he has to work in the teeth of popular opposition. But, my Lord, I have no misgivings in the matter. The people of India are so law-abiding, so fully sensible of what is conducive to their best interests, that they will not throw difficulties in the way of the Government in the working of a measure like this if the officers of Government can bring home to their minds that the precautions which are taken are necessary to safeguard them against the visitation of one of the most dreadful scourges that have ever afflicted the human race. But, as I have mentioned before, there is a class of people who view with feelings of the greatest aversion some of the sanitary precautions necessary for the prevention of the disease. There are many instances where persons purposely neglect to report cases of contagious disease in their family, on account of the greater dislike they have to the removal of the invalid from their dwellings to a hospital. Consequently the objects that we have in view in these cases are frustrated. Every thing should, therefore, be done to explain to the people the objects that the Government has in view, and to prevent any unnecessary misapprehension or irritation. It is essential for the successful working of the measure that it should receive the hearty co-operation of not only the educated classes but also the masses. Everything should be done to smooth any feelings of opposition and in this respect we would have received some valuable suggestions if we had more time to consult the different non-official representative bodies. I am sure, my Lord, that this Bill passed under circumstances of a pressing necessity, which will admit of no delay, is only a tentative measure; that changes which experience may suggest will, from time to time, be promptly introduced, and that the suggestions of municipalities and other public bodies will, in the working of the measure, receive the consideration to which they are entitled, specially as regards the creation of barriers to protect local areas."

FINANCIAL STATEMENT

Page 211—The Hon'ble the Maharaja of Darbhanga said :— "My Lord, the Financial Statement which has now been laid before us has been looked forward to with somewhat mixed feelings. All of us were aware of the fact that the Government had incurred a large expenditure to cope with the famine which has rightly been described by competent authorities as the greatest famine of the country. The public anxiety was great as to how under such circumstances the Finance Minister would balance his Budget. And I must congratulate the Hon'ble Member in charge of the Finance Department upon having presented such a Budget in a year like this of general financial depression. The Government will have spent little less than six millions sterling (taking the sovereign at Rs. 10) upon famine expenditure during 1896-97 and 1897-98. During the great famine of 1876-77 it spent more, and the difference is, no doubt, due to the construction of railways aud other protective works which have since been carried out. I do no more than the fairest justice to the Government when I say that there is a general feeling of gratitude throughout the country for the efforts which are being made by the Government to mitigate the horrors of famine. The policy of the Government in this respect is worthy of a great and a civilized administration. It is now, however, to be expected, having regard to the magnitude of the famine relief operations, that there should not be occasional cases of death by starvation, and unfortunately there have been reports of such cases in jungle tracts in regard to which, however, I hope the accounts have deen greatly exaggerated. However that may be, in a year of severe scarcity with a large expenditure to be incurred on famine, a hopeful Budget is altogether out of the question. The Budget Estimates for 1897-98 show a deficit of more than two millions and-a-half, but a popular feeling will be one of thankfulness to the Government inasmuch as no new taxes have been imposed to meet the deficit. I believe the utmost limit of taxation has been reached and new impositions will produce little or nothing as compared to the great dissatisfaction which they are sure to evoke. It is not for me to repeat thc words of Lord Mayo when he said that new taxation in India involved a political danger, the magnitude of which it was difficult to exaggerate. But the unsuitability of this country for purposes of direct taxation cannot be gainsaid. For instance, although the income-tax has been in force for a number of years, the inquisitorial methods which are in some cases adopted by ill paid and corrupt assessors in the mufussil render it a highly unpopular imposition.

I myself know of a case where a clerk employed in an income-tax office drawing not more than Rs. 30 a month, has in a bank a big balance of some thousands which very discreetly is entered in the name of his wife.

"Our financial prospect, being what it is, and the imposition of further taxes being impossible, I think we may appeal, with some confidence for a subsidy from Home Government. I make this appeal not only as a matter of favour but also as an act of justice. The highest authorities have told us—Your Lordship is one of them, for your Lordship's Government only recently protested against India being charged with the ordinary expenses of the contingent despatehed to Saukim—the highest authorities, statesmen of the eminence of Lord Northbrook and others have told us that India has often been saddled in the past with the expenses of expeditions outside the limits of Her Majesty's dominions in India, in which she was but little or in no wise interested, and which ought to have been borne by the English Exchequer. Let me quote an extract from the evidence of Lord Northbrook before the Royal Commission :—

"I should like to sum up what I have said on this point. I think that India had a fair claim to exemption from the ordinary charges of the Abyssinian war. The ordinary pay for maintaining the garrison at Saukim after the 10th May, 1885, should, I think, be refunded; and in my opinion on equitable grounds £ 350,000 should be given to India in respect of the Egyptian Expedition of 1882, I do not see any reason why it should be considered that because India was inequitably and illegally treated during many years that treatment should not be redressed by some action at the present time".

"But this is not all. Many, many years ago, when the Sultan of Turkey visited England he was entertained at the expense of India. The circumstances may be regarded as a matter of ancient history, and the claim may be considered, in legal phraseology, to be barred by the law of limitation. But equity overrides legal technicalities, and I am convinced that a great and noble nation like the English people will take the broader and more equitable view of the matter; and it is a matter of some regret to find that the precedent created in the case of the Sultan was repeated in connection with the Afghan Prince, Sirdar Nasirulla. A part at least, of the expenses of his entertainment ought to have been paid from the English Exchequer, as he was, after all, the guest of the English and not of the Indian Government. I beg leave here my Lord to quote a conversation between Lord Welby, the chairman of the Royal Commisssion, and Sir Henry Brackenbury in this connection :—

"The Chairman; 'And you hold that the Indian Government should only pay for keeping order in India ?' I think she pays for an Army of seventy or eighty thousand men more than she wants, simply to keep order in India. The Army in India is at least 50 percent larger than it need be, were it not for matters beyond her frontier. I would let her pay for that Army."

"Then your position is that India should pay for a sufficient Army to repel invasion on her frontier, and that towards this Army England should make a contribution which, according to the War Office figures, represents something like £ 1,100,000 per annum ?- I do."

"And that should be the contribution of England for what you call Imperial policy ?—Yes. Per contra, I think that it would be perfectly fair that India should pay a good contribution to what the Navy costs"

"You do not think that since she is interested in keeping her own territory from attack, she ought to pay the whole of the cost ?—I think she ought to pay a great portion of it, but certainly not the whole because she is not the only one interested in keeping another great Power away."

Thus in the opinion of so distinguished an officer as Sir Henry Brackenbury a part at least our Military expenditure should be borne by the English Exchequer. And this is an additional argument in favour of our asking for a subsidy. So long the burden has been exclusively borne by the Indian tax-payers. In the time of his need he may, therefore, fairly appeal to the Home Government for a subsidy and I am sure he will not appeal in vain to the generous English nation; for his demand is based upon consideration of justice and equity. For England in the past he has made at least some pecuniary sacrifices, and to the English Government he may appeal for help in a time of pestilence and famine. I trust Your Lordship's Government will see their way to press this Ministers view of the matter upon the attention of Her Majesty's in England. The whole of India feels deeply grateful for the magnificent way in which the people of England have unanimously come forward to afford relief to the famine-stricken peasantry of this country in a year like this. What I now request is that the English Government should supplement the good work that has been performed by the generous English public. Any concession of this sort, in a year like this will, I feel sure, not only be regarded with feelings of the deepest gratitude by the thinking portion of the Indian public, but what is more it must go a long way to bind down the two nations in closer bonds of union and love.

Before I conclude I wish to say a few words about the remarks that have fallen from Mr. James as regards Bengal and the Permanent Settlement. The Hon'ble Member has, I believe, recommended levying of nazaranas from the zamindars, and has cited the precedent of Subadars of the time of the Mogal Governor. This precedent, to say the least, is most unfortunate. I would ask whether the hon'ble gentleman has studied sufficiently of Indian History to know that these Subadars were vested with most arbitrary powers which were used most oppressively. Does the hon'ble gentleman wish the return of those days ? Then, too, I beg leave to clear the Hon'ble Member of the misapprehension he is labouring under that the zamindars and raiyats do not pay any local taxes over and above the Government revenue. I would only advise him to study the Bengal revenue laws. If he does so, he will find that the zamindars do pay special taxes in the shape of Road Cess, the Provincial Public Work Cess, the Irrigation Cess, and other local taxes. The proceeds of at least one of these taxes i.e. the Road Cess is most usefully spent in the construction of district and village roads. The Hon'ble Member I believe, expects the Bengal zamindars and raiyat to be taxed for the construction of roads in the province of Sindh. My

Lord, I strongly deprecate these unjustifiable remarks on the Permanent Settlement. The opponents to this Settlement do not seem to remember the fact that at the time of the Permanent Settlement the Government allowed the landlords only ten percent of the gross revenue, and that the Government share was ninety. A number of old families were ruined and their estates sold up for arrears of the Government revenue within 20 years of the Permanent Sattlement. And it is most unjust to grudge the zamindars the fruits of their thrift that they are now enjoying. I may just here mention that the zamindars and the raiyats of Bengal have strong legal objection to the collection of any new taxes on land. They may be mistaken. But if they err, they err in good company. Such eminent Indian statesmen as Sir Erskine Perry, Mr. Ross Mangles, Mr. Thoby Prinsep, Sir Frederick Halliday agree with their views.

"My friend the Hon'ble Mr. Playfair has made certain remarks as regards Assam. I wish simply to state, my Lord, that I agree with every word that has fallen from his lips. Assam, if it had been so thickly populated and cultivated as it ought to be, would have been pouring tons and tons of food grain into the famine-stricken districts as Burma is doing. I look upon the work of bringing the jungle land of Assam under cultivation as a sort of protective work against the famine. I know various plans have been adopted but with little success. And I would, therefore, suggest the experiment of selling tracts of lands to syndicates and large capitalists. I feel sure that syndicates and capitalists will gladly come forward if the lands are reclaimable, provided that they have to pay a fair price for the land."

Indian Penal Code Amendment Bill

Page 386—The Hon'ble Mr. Chalmers then moved that the Bill to amend the Indian Penal Code in relation to Extraterritorial offences be referred to a Select Committee consisting of the Hon'ble Mr. Rivaz, the Hon'ble Mr. Stevens, the Hon'ble Mr. James, the Hon'ble Rai Bahadur Ananda Charlu, the Hon'ble Sir Griffith Evans, the Hon'ble Maharaja Bahadur of Darbhanga and the mover.

The motion was put and agreed to.

Speech given by the Hon'ble Maharaja Bahadur of Darbhanga on 1 March 1898

My Lord, I desire to offer a few general observations on the Bill, before the Council proceeds to discussion of the amendments, in order that I may make quite clear the position which I deem it my duty to take up with regard to the measure. It will be observed that I have not considered it incumbent upon me to give notice of motion of any amendments on the present occasion, although there are many alterations in, and additions to, the existing law, to which I feel bound to take exception. There were several reasons which led me to this conclution. In the first place, it appeared to me that in the discussion of a purely legal measure like this it was not for me as a mere layman to take a prominent part. I have not the professional training nor the professional experience which years of practice at the Bar alone can give, and which my learned friends who sit around me at this table possess, I am happy to feel, in so marked a degree. It was not for me to put myself into competition with such veteran professors of the law; and further, so far as my limited knowledge of English political affairs extends, I believe that, when measures such the one before us come up for consideration in the Houses of Parliament, it is the lawyers, and the lawyers alone, who bear, and in my humble judgment rightly and appropriately bear, the burden and heat of the day. I shall therefore confine myself chiefly to the making of quotations, and hope to be forgiven, in view of the importance of the subject, if some of these quotations should seem to be too long and wearisome. And this brings me to my second reason, which lies before me in the shape of exceedingly able and exhaustive note on the Bill which the members of the Calcutta Bar have addressed to the Secretary of this Council, and which has been circulated for our perusal and consideration. This is about the latest minute from any public body of which we are in possession, and I think it may be fairly said to sum up the public view on the subject of this Bill. On that ground, therefore, as well as the former, I shall make no excuse for taking it as the basis of the few remarks I propose to offer.

I will not conceal from the Council, my Lord, that I had anticipated several amendments from the Hon'ble the Legal Member on the lines indicated in that note. Speaking as a layman and as one whose avocations do not bring him, and I trust will never bring him, into a Criminal Court, I can only say that I have been greatly struck as much by the forcible character of the arguments adduced in that note as by the eminently reasonable nature of the criticism it contains. But I cannot find, my Lord, that even one single suggestion of the many put forward by the Bar has met with the approval of Hon'ble the Legal Member. The reason, I fear. is not apparent to me. The Bar speak with the authority and knowledge born of experience and ability. They may not be responsible person within the somewhat narrow definition given us on a previous occasion by the Hon'ble the Legal Mamber; but no one, I suppose, in this Council will assert that they are not as anxious for the quiet and peaceful administration of this country as any of us present here.

Let me take some of these suggestions in order. With regard to section 1, they call the attention of the Hon'ble the Legal Member to the proposal to give the Local Government the power to extend any of the provisions of this Code by a mere notification in the official Gazette. It cannot be denied that their comment has considerable force.

"It is impossible to predicate", they say, "that such large powers may not be on occasions injudiciously employed, and in this connection they would do no more than refer to the action, taken some years ago, by a local administration in abolishing trial by jury of certain offences by mere notification in the official Gazette".

I ask, my Lord, with the greatest possible deference and respect, whether it can be said that the comment of the Bar is not justified ? They have cited chapter and verse in support of their contention. Are there no other means of dealing with this question ? Is there no method but this of fixing and ascertaining the law of criminal procedure for the presidency-towns ?

Take again the remarks made by the Bar with regard to the new explanation proposed to be added to section 164 :—

"In view of the use made against an accused person of any statement in the nature of a confession and the important influence that it exerts on a trial, the Bar consider the proposed explanation to this section to be a dangerous innovation. In their opinion, no Magistrate should be permitted to record a confession except those who have jurisdiction to try the case. It is of the utmost importance that every formality should be observed. The section, as it stands, has been productive of great hardship and injustice. Under the existing law, numerous cases have occurred in which prisoners who have confessed have withdrawn their confessions before the trying Magistrate, and in many instances the trying Magistrate has found that the confession was extorted by the police. The new explanation will make matters even worse. In practice, this amendment will be made use of by the police to take the person who is going to confess to having committed a murder before a third class Magistrate who has only been appointed to the service for a few weeks, to record his statement or confession. If any change is made in the law, the Bar think it should be in the sense that confessions should only be received in evidence against accused persons when they have been recorded by the trying Magistrate".

My Lord, speaking as a layman and an outsider, I say that here is again a practical and reasonable suggestion. What has the Hon'ble the Legal Member to say on behalf of the proposed change in the law ? Does he deny the assertions of the Bar ? I cannot believe that it can be intended by the Legislature that third class Magistrates shall be employed for such purposes; and yet I find no amendments on the lines indicated by the Bar proposed either by the Hon'ble the Legal Member or by Sir Griffith Evans, whose experience must tell him that the dangers contemplated by the Bar are very real and very serious, specially in the mufassal, where the corruption of the subordinate police is notorious.

I proceed to section 202, which deals with the grounds on which a Court may postpone the issue of process : and I find the following observations, which certainly seem to me to be sensible enough :—

"Section 202—The Bar cannot understand why the Select Committee should have substituted the words "is not satisfied as to the truth of a complaint" for the original words "sees no reason to distrust the truth of the complaint", which are not only in the present Code, but are to be found in the Bill as originally laid before Council. They conceive it hardly necessary to point out that a Magistrate's only business at this stage of the case is to satisfy himself that a prima facie case has been made out for the issue of process. The necessity of giving "a further latitude to the Magistrate's discretion" in this connection does not deem to them to be at all demonstrated. It must not be forgotten that in this country a police investigation nearly always means further harassment to the parties. The Bar think that, so far from the discretion of the Court being extended in these cases, it might with advantage be still further limited".

Is it too late to enquire on what grounds the Select Committee have made this alteration ? Their report furnishes no information on this point.

And then with regard to sentences of whipping. The Calcutta Bar think—and, I venture to say, very sensibly think - that sentences of whipping should be appealable and provision should be made for the suspension of the punishment in the interval. My Lord, I confess I cannot understand how there can be any valid objection to this proposal. If the man's appeal is rejected, he will be whipped; but why whip him first and let him bring up the case to the High Court on revision afterwards ? Why make a difference between those who are sentenced to the punishment of whipping and those who are sentenced to other punishments ? As a matter of fact, in cases of respectable men, the punishment of whipping is considered more degrading than not only simple but even rigorous imprisonment for long periods. Any concessions on this point will, I feel convinced, be received with feelings of the most sincere gratitude by all the upper and middle classes of the Indian community. And I most earnestly beg Your Lordship to give this matter your special consideration. I venture to express a hope that, even although it is not thought advisable to amend the law now, Your Lordship's Government will still see its way in the near future to grant us this right of appeal in such cases.

Let me pass on to the changes and additions in the schedules. These seem to have escaped the notice of the general public, and I find that none of my learned colleagues have smendments on the paper advocating their omission. My Lord, I venture to say this is a fact much to be regretted. I can only suppose my learned friends were under the impression that the Hon'ble the Legal Member would accept the suggestion of the Bar and move amendments on the lines urged by them. Here is the passage (an important one) from the note of that body :—

"The Bar feel bound to take exception to a number of other changes in the Second Schedule. A Court of Session should alone be competent to try offencess such as those under section 377 (unnatural offencess) section 382 (theft, preparation having been made for causing death, etc.), section 435 (mischief by fire), section 440 (mischief committed after preparation made for causing death, etc.), section 465 (forgery), section 408 (forgery for the purpose of cheating), section 469 (forgery for the purpose of harming the reputation of any person), section 471 (using as genuine a forged document). These are all very serious offences which, under the present Code, are exclusively triable by a Court of Session and with the aid of a jury or assessors : and the Bar think they should continue to be so triable. The maximum punishment is, in all cases, beyond the competence of Chief Presidency Magistrates or District Magistrates to inflict, and this appears to be a valid objection to the proposal.

In my humble opinion, no sound reason has been given why the right to a trial by jury in respect of these offences should have been summarily restricted in this way; and these changes, my Lord, I may point out, do not occur in the Bill as originally introduced in Council, but have all been inserted in Committee. I venture to urge that matters may in this respect be restored to their former condition. The right of trial by jury is highly prized by the people of those districts which enjoy this most valuable right; and I may be permitted to express a hope that, with the advancement of the country, the Government will see its way, in time, to extend it throughout the whole of India. I have every confidence in the uprightness and integrity of the judiciary, but I am sure every presiding officer in a Court of justice must feel that he is greatly assisted and aided in coming to a proper decision by those, whether sitting as jurymen or assessors, who are of the same races as the accused, who are acquainted with his habits, his ways, his feelings, and who therefore possess peculiar advantages in the way of offering sensible and valuable advice. Of course, it may be answered that it has been so often found in practice that jury trial in this country has not been a success; that men are acquitted because they are Brahmins, and so forth; and that the limitation is necessary in the interests of all parties. My Lord, I would point out that, in dealing with this as with many of the other changes now proposed to be made in the law, it should never be forgotten that this is a safeguard given to an accused person, and as such it should be jealously retained. You may say it is abused, but that is no ground for its limitation or abrogation. Let the words of Sir Courtenay Ilbert be borne in mind, uttered from his place in Your Lordship's Council on the 25th January, 1884 :—

"It must be remembered that every safeguard which is given to an accused person is liable to a similar objection, and we have endeavoured to frame the section

(526 A in this particular case) in such a way as to minimise the risk of its being abused."

Similarly, the right of trial by jury in this country is already limited and guarded and protected from abuse in a dozen ways. It is still upon its trial : and if any offences ought to continue to be tried by a jury, I venture to say it is those very offences which it is now proposed to withdraw from their exclusive cognizance.

There is another alteration of the most important character to which the Bar have called attention, and which I cannot pass over in silence. Here, again, I observe with regret that no amendment has been moved on this head by the professional members of Your Lordship's Council : and the reason must, I take it, be the same, namely, that the matter is one which, in their opinion, had only to be stated in order to secure the ready acquiescence of the Hon'ble the Legal Member in its withdrawal. It is with reference to Schedule III and what the Bar say is this :—

"Here, again, the Bar have noticed that the powers of inferior Magistrates have been increased in a manner which calls for unfavourable comment. No Magistrate of the third class should, in the opinion of the Bar, be empowered to require search to be made for letters and papers under section 95 (No. II), to require military force to be used to disperse an unlawful assembly under section 128 (No. 12), to take cognizance of an offence committed by an European British subject under section 445 (No. 16), to recover a forfeited bond for appearance before a Magistrate's Court under section 514 (No. 18) or to make an order as to the disposal of property under section 517 (No. 19). Magistrates of the third class are mostly very junior and inexperienced members of the Civil Service, or officers belonging to the lowest grades of Deputy Magistrates or Sub-Deputy Magistrates. It is no injustice to all these persons to say that their legal knowledge and training is of the smallest possible description. The comparatively unimportant nature of their functions is indicated by the fact that the maximum sentence of imprisonment they can inflict is one month, and that they cannot impose a fine exceeding fifty rupees. To give these Magistrates such powers as, for example, No. 11 & No. 12, is likely to be productive of the most dangerous consequences, and (in the particular instances) to create unlawful assembles rather than to disperse them. Nor should they be given powers under section 517. The Bar can point to many complicated questions which have arisen as to the disposal of property under this section, and which have ultimately had to be settled by the High Court."

As regards section 108, I beg to state that I entirely agree with the opinions expressed by my hon'ble colleagues Pandit Bishambar Nath and Mr. Sayani in their able minute of dissent as well as with the note of the Bar. I do not wish to enter into details, nor do I wish to weary the Council with lengthy quotation. All that I wish to say is that, in my humble opinion, the arguments against the introduction of this entirely new section have not been answered. The power requiring security for keeping the peace is one which ought to be given for the prevention of future offences only, and not for the punishment of past offences. Section 107 already gives

Magistrates very wide power in this respect, extending even over those who reside outside their jurisdiction: and it seems very inappropriate that the offence of sedition should come in any way within the purview of any Court other than a Court of Session or a High Court. The Hon'ble the Legal Member appears to me, if he will permit me to say so with all respect, to be under two false impressions, of which the first is that Magistrates are individually absolutely perfect and the second is that the government of this country cannot be carried on unless and until they are made perfectly absolute.

My Lord, I have given a string of extracts which I fear must have wearied Your Lordship as well as the Council. But I have felt it my duty to recite them for the last time before the Hon'ble the Legal Member. To move amendments on the lines suggested in them would simply have been a waste of the time of this Council, unless the Hon'ble the Legal Member had intimated his approval of them on behalf of Government. But he has given no sign of any such approval, and we have already a sufficiently long list of 75 amendments to occupy us to-day. I have again to ask, my Lord, what answer can be given, what argument can be adduced, to combat these eminently reasonable proposals of the Bar to leave the law as it now stands? In what way has the law worked crookedly or unsatisfactorily in these respects? Even granting that a guilty may here and there escaped punishment, does not the noble old legal maxim tell us that it were better so, rather than that one innocent person should suffer wrongfully?

My Lord, I am bound to say, and I say it with the greatest regret, that I do not observe in any of the amendments that have been made in the law, and that I presume will become law to-day in the ordinary course of events, any indication of an intention to lessen the rigour of the criminal law, and to give an accused person further opportunities of successfully rebutting the case made out against him. There is no necessity for such harshness in our penal procedure. India is not a country in which crime is at all rife; if it were, it would be impossible to preserve the public peace with the small staff of Magistrates and Judges that are necessary. In England, where the percentage of crime is noticeably greater in proportion to the population, the penal statutes are conceived in a far more lenient spirit.

Take for instance the privilege now allowed to an accused under section 162 of calling for and inspecting statements made previously by witnesses to police-officers and reduced into writing by them. It is proposed to limit this and leave it to the discretion of the Court to permit an accused to make use of such statements; and some Hon'ble Members of this Council go even further and risk to deprive him altogether of the right. And why ? On what ground is an accused person to be deprived or limited in his full exercise of a right which, if he is innocent, is calculated to be of the greatest assistance to him in establishing his innocence ? These statements are nothing more than the statements of witnesses who depose as to their knowledge of the occurrence. With their help many an innocent man has broken down a false case brought against him. It will be said that the Court, in whose discretion the matter will in future lie, may be relied upon to do its duty. I do not deny it : but let any one read as I have done, the mass of opinions recorded on the subject by the body of Migistrates and Judges. Many are altogether against the use of these decuments by the accused under any circumstances. In what direction are they likely to exercise their discretion ? Under these circumstances, it is surely the wisest course to leave things alone. The Calcutta High Court and the Bombay High Court have spoken out in favour of the retention of the existing section, which is all in favour of eliciting the truth, the object, as it is commonly understood, of a criminal trial. The judgment of Mr. Justice Aikman of the Allahabad High Court in the case of Empress v. Mannu, reported in Indian law Reports, 19 Allahabad Series, at page 417, in one of the most convincing arguments that have hitherto been adduced in favour of leaving matters as they are. Cannot this even now be done ?

Again, take section 213. Do the Bar make an immoderate demand or an unreasonable request when they ask that in the event of a Magistrate, after he has heard the witnesses for the defence, finding there are no sufficient grounds to justify a commitment, his order should operate as an acquittal and not only as a discharge ? It is surely due in fairness to an accused that, if he is able to produce rebutting evidence of such a character as to satisfy the Court that there are no grounds to justify any further proceedings against him (or, in other words, that he is not guilty), he should be entitled to such an order as will effectually prevent his being harassed by a re-trial on the same charge. And yet in the section as laid before Council we find the word "discharge" and not the word "acquit".

Let me give another illustration of my reading. In section 231, the recall of witnesses when a charge is altered or added to is left to the discretion of the Court. But it is surely next to impossible for a Court, unacquainted with an accused's line of defence to know whether a witness is material or not the right of calling these further witnesses ? An accused person is entitled under every principle of law to call as many witnesses as he can, in order to rebut the case made against him.

I have but one or two more observations to offer. I cannot conclude without recording my protest against the proposal to make cases under the newly enacted sections 124 A, 153 A of the Penal Code triable by certain Magistrates in the future as well by Sessions Judges. "There is no question",as my hon'ble friend Pandit Bishambar Nath has said in his minute of dissent, "of lending undue eclat or of giving notoriety to proceedings in cases of sedition", by publishing their trial by Chief Presidency and District Magistrates. The objection is based on more substantial grounds. I give them in the words of Mr. Cotton, the Chief Commissioner of Assam :—

"It appears to the Chief Commissioner that sufficient weight has not been attached to the objections which occur in this connection; that the District Magistrate is the executive head of his district and the official representative of the Government in undertaking the prosecution of political offences, and that therefore the trial of such offences should neither lie in his Court nor in that of any Magistrate subordinate to him : that a Sessions judge is assisted in the trial of such cases by assessors, whereas a Magistrate is not ; and that every offence which is deemed by law to be of such gravity that it is punishable with the extreme sentence of transportation for life ought, whether it is or not, to be triable only by the highest judicial authority in the land. These objections and the inevitable inference which will be drawn from a proposal to place the trial of political offenders in the hands of the executive authority appear to the Chief Commissioner to outweigh any advantage to be derived from the proposed amendment in the law, and he would recommend therefore that it should not be passed."

I do not propose, my Lord to dwell further on this subject. As I understand the position, it is not intended by Your Lordship's Government to withdraw the proposal, and under circumstances I can do no more than record my respectful protest against it.

I now come to the last of the observations which I desire to make on the subject of this Bill. I refer to the amendment that was moved by me when the Criminal Procedure Code was being amended in this Council in the year 1884. I was one of those very few Indians who did not think it advisable to take away any privileges that were enjoyed by the European community. All that I wished for was that my countrymen should also get certain concessions. As I then pointed out, the Bill gave every European the right of trial by jury in almost every case, but it was far from the purpose of my amendment that natives of India should be given the same wide privilege. My contention was that in all sessions cases, and sessions cases only, the natives of India should be entitled to demand a jury, and I moved an amendment, as I say, in those terms. But I felt bound to withdraw it in deference to the wishes of the Viceroy. His Excellency pointed out that the time was then not ripe for the consideration of such a proposal, and he further remarked :—

"I admit that the fact which the hon'ble gentleman, Mr. Kristo Das Pal, has alluded to, that there appears to be a strong feeling in the country in favour of the extension of the jury system, is a matter which of itself deserves our consideration; but to oblige the Government to vote against the motion at this time would be unduly to prejudice the further examination of the subject. I make no complaint on the score of regularity against my hon'ble friend the Maharaja of Darbhanga for having raised this question, and thereby drawn additional attention to it; but I confess that I should very much regret that, by dividing the Council, he should force the Government to pronounce an opinion upon it prematurely, and at the time when they have not the necessary information before them to enable them to form a deliberate judgment upon it. That the question is deserving of consideration I entirely admit, but that it would not injure the cause which the Maharaja has at heart, if he were to press for a motion on the present occasion, I cannot for a moment allow".

My Lord, fourteen years have elapsed since Lord

Ripon gave this assurance to my fellow countrymen. We have now obtained the privilege of claiming a jury of which the majority must be of our own nationality, if the trial in which we are concerned takes place before Court of Session. We do not make an unreasonable demand, I submit, in asking that we should not be deprived of this privilege by the mere accident of a change of venue to the High Court. I may here mention that this amendment of mine received the sympathy of such an experienced and learned an official as Sir William Hunter. I observe that my hon'ble friends Pandit Bishambar Nath and Mr. Sayani are moving amendments on the lines I am indicating. May I say, my Lord, with reference to them, that if Your Lordship's Government can see its way to grant us this concession, which, as I have said, is neither unreasonable nor unseasonable nor likely to produce any serious consequences, we shall not only feel that Your Lordship is carrying out the pledge of Lord Ripon, but also that a tangible token is being afforded us of that sympathy which Your Lordship's public utterances have already assured us is the key-note of the policy of of the Government ?

My Lord, I have no more to add. If I have been led to speak strongly, if I have expressed my mind with freedom, Your Lordship will forgive me. I have spoken in all loyalty and with every desire to represent. If I have erred, I have erred in good campany, and inasmuch as Your Lordship was pleased to assure the Council that nothing was further from the wishes of Government than to hinder honest and well-intentioned criticism of public measures. I am confident that nothing I have said will be taken amiss. It would have been impossible for me, in the faithful discharge of my duties as an elected representative of Your Lordship's Council, to have done otherwise than to give utterance to what I deem to be the views of my constituents, as voiced by those most competent to offer an opinion on the subject, and that is what I have endeavoured to do to the best of my small ability.

APPENDIX VI

HAMILTON PAPERS, INDIA OFFICE LIBRARY, C/126/1, PP. 135-8 PRIVATE LETTERS

Lord Hamilton To Lord Curzan, 18 May, 1899.

The enclosed was given me by a native resident in London, on the understanding I was not to mention his name. Its statement of the harm, Wedderburn & Co. through his wretched paper is trying to do entirely tallies with my own observation. The remedies to counteract the evil are—

1. To ascertain who subscribe among the Princes and noblemen to the Congress and to let them know that the Government are aware of that fact.

2. To prefer for honours and distinctions those who are not Congressmen.

3. To exercise a greater control over education, its organization and text books. You know this so well that I need not repeat these formula, but with the multiplicity of your other work and objects it would be well not to lose sight of this counter campaign and so I trouble you with these remarks.

I note that **India** frequently starts lies here that are reproduced in detail by the Congress paper, in fact nearly all information about India is derived from this poisonous little rag. We were too quick for them, otherwise they would have endeavoured to get up an agitation against the Sugar duties.

* * * *

HAMILTON PAPERS D. 510/2 VOL. 14, PP. 63-67.

C. S. Bayley's Note on Congress Support, 18 June, 1899.

1. We have no evidence to show that **India** is supplied gratis, as stated in the note, to the Vernacular press and to Public Bodies in this country, though it is not improbable that many of the Native Papers receive it as an exchange. On the other hand we do know that one leading object in the establishment of the journal was to bring grist to the Congress mill. To take one proof out of many, which I can, if desired, bring forward on this point, I may mention of a meeting held in Calcutta on the 2nd February, 1894, at which, after an address had been delivered by Mr. Morgan Brown, the Assistant Secretary to the British Committee, Babu Surendra Nath Banerji proposed that the Hugli District should pay Rs. 600/- annually to the Congress for which purpose 100 subscribers to **India** were wanted.

Whether the distribution is free or not, there can be no doubt that the author of the note is right in saying that **India** is very widely distributed, and that it exercises an important influence over the Native Press and that the influence is pernicious.

2. As to the support given to the Congress by Chiefs and other leading Natives we have a certain amount of information though from the nature of the case it is not to be expected that the information should be complete.

We have nothing to prove that the late Maharaja of Darbhanga contributed Rs. 10,000 a year, but it is

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2. As to the support given to the Congress by Chiefs and other leading Natives we have a certain amount of information though from the nature of the case it is not to be expected that the information should be complete.

We have nothing to prove that the late Maharaja of Darbhanga contributed Rs. 10,000 a year, but it is certain that he did give very large pecuniary assistance. In 1888 it was rumoured that he was to be nominated President of the Congress to be held at Allahabad and that he intended to contribute a large sum. In 1890 he and the Raja of Vizianagaram each subscribed Rs. 5000/ towards the cost of Babu Surendra Nath Banerji's deputation to England to lecture on behalf of the Congress. In the same year he was said to have given Rs, 2000/- to Mr. W. C. Bonnerjee as his first instalment towards the expenses of the next Congress. In 1894 Babu Surendra Nath Banerji mentioned at a meeting held on the 2nd February that in the previous year the Maharaja had contributed Rs. 20,000/- In 1893 and 1895 an "Indian Friend", who was supposed to be the Maharaja of Darbhanga gave Rs. 15,000/- to the Parmanent Fund of the Congress and Rs. 8000/- to the Special Fund for **India**.

As to the Thakur of Gondal our only information is contained in a letter from Sir William Lee-Warner dated the 9th July, 1897, of which I annex a copy, together with a copy of the orders passed by Lord Elgin on it.

As to the Maharaja of Bhaunagar we have no information at all.

About the Gaekwar of Baroda there was reason to believe that he was financing Mr. Nowroji. This was mentioned in a letter from Colonel Biddulph, then Agent to the Governor-General, who also stated that over a lakh of rupees had been taken out of the Treasury by His Highness without the knowledge of the Minister, presumably for some secret purpose. Mr. Nowroji had boasted in Baroda that he could do what he liked with the Irish Members. I may mention that all, or nearly all the Home Rule Members appeared in the list of members of the British Committee. The Ahmadabad Times of the 5th May (?) 1895 stated that the Gaekwar had given Nowroji £ 1000/-.

In 1895 and again in 1896 Mr. Tata subscribed Rs. 500/-. In 1895 or previously the Raja of Ramnad in Madras gave Rs. 10,000/- to the Congress Fund.

3. With regard to the last portion of the note it may be noticed that in 1893 the 'India Mirror' mentioned in regard to the recent elections to the Bengal Council that five out of the six members elected were Congressmen. In 1895 the Police Inspector of Tirupati in Madras discovered a Telugu pamphlet in which, among other results of the Congress agitation the fact was mentioned that Government had appointed four representatives of the Cougress and had given them seats on the legislative Council. As lately as the sixth of the current month the **Advocate** (Lucknow) drew the attention of its readers to the fact that six prominent Congressmen are or have been judges of the different High Courts and that several others have received decorations or Native Titles.

I will now try to ascertain to what extent chiefs and other prominent are helping the Congress with money but I am not very sanguine as to the result of the enquiry.

APPENDIX VII

PETITION TO MR. CHAMBERLAIN

DURBAN,
July 2, 1897.

To

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN, HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES, LONDON.

THE PETITION OF THE UNDERSIGNED BRITISH INDIANS REPRESENTING THE INDIAN COMMUNITY IN NATAL.

HUMBLY SHEWETH :

That your Petitioners hereby respectfully venture to approach you with reference to your Indian Bills passed by the Honourable the Legislative Assembly and the Honourable the Legislative Council of the Colony of the Natal and which, having received the Governor's assent, have been gazetted as Acts. These Bills were, in the order in which they were passed respectively; the Quarantine Bill, the Immigration Restriction Bill, the Trade Licenses Bill, and the Bill to protect the Uncovenanted Indians from liability to arrest.

Your Petitioners alluded to the first three Bills in their last memorial and said therein that, if these Bills passed the Natal Legislatures, they might have to approach you again with special reference thereto. It has now become your Petitioners' unfortunate duty so to do, and they confidently trust they would be excused for the trouble they have to give you, seeing that the question underlying these Bills touches the very existence of the Indian Community in Natal.

As soon as the last two of these Bills were gazetted as Acts, your Petitioners wrote to the Honourable the Colonial Secretary praying that the despatch of the Bills to Her Majesty's Government should be postponed till the receipt hereof; a reply from the Honourable the Colonial Secretary was received to the effect that the Bills had already been forwarded. Thereupon, the following humble telegram was sent to you :

> INDIAN BILLS MENTIONED LAST MEMORIAL GAZETTED ACTS. WE HUMBLY REQUEST DEFERRING CONSIDERATION. MEMORIAL PREPARING

Copies of the four Bills mentioned are appended hereto, and marked A, B, C, and D respectively.

Your Petitioners ventured to approach both the Houses of the local Parliament with reference to these Bills, without avail.

Copy of the petition to the Honourable the Legislative Assembly is annexed herewith and marked (E). It endeavours to show that restrictive legislation for Indians is not warranted by the circumstances, and, therefore, that before embarking upon such legislation a census should be ordered to be taken of the total Indian population of the Colony and inquiry instituted as to whether the presence of the Indian in the Colony is a benefit or an evil to the Colony.

The Quarantine Bill gives the power to the Governor not only to return any ship coming from infected ports without allowing her to land her passengers and cargo, but also prevent any person coming, in the first instance, from an infected port from landing in Natal, even though such person may have trans-shipped into some other boat on his way to Natal. Your Petitioners can have no objection against any Quarantine Law, no matter how severe, so long as it is meant as a protection against the introduction of infectious diseases. But the present Bill is merely a part of the anti-Indian policy of the Natal Government. As has been pointed out in the anti-Indian Demonstration Memorial, the Natal Government made a promise to the Demonstration Committee that a Bill to extend the Governor's powers of imposing quarantine was under consideration. The present Bill has been looked upon as one of the Indian Bills of the session; thus, says *The Natal Mercury*, 24th February 1897, with reference to the Quarantine and other Indian Bills :

> The first three Bills published in the Gazette this week are in fulfilment of the promise of the Government that measures to deal with question of Indian immigration would be introduced during the forthcoming session of Parliament. None of the Bills specially relates to Asiatics and, therefore, (they) do not come under the suspensory conditions attached to such measures. They have been drafted to apply to all and sundry and certainly no fault can be found with their comprehensive character. It may be frankly admitted that the Bills are more or less of an

> objectionable character, but desperate diseases require desperate remedies. It is to be regretted that such measures are necessary, but that they are necessary is beyond dispute, and however disagreeable it may be to pass such legislation, it has been an imperative duty and must be undertaken. The Bill to amend the laws relating to Quarantine may be fairly termed an extraordinary measure of precaution taken in the face of plague-stricken countries. Something more than the ordinary measures are necessary if we are to secure immunity from dread diseases.

The same paper, in answering the objections to the Immigration Restriction Bill, says again in a leading article dated 30th March, 1897 :

> It has been urged by those people who consider the Bill (i. e. the Immigration Restriction Bill) objectionable because it is not straightforward, that a Bill should be passed against Asiatics in particular, that we should enter upon the "long constitutional fight", and, in the meantime, we should protect ourselves with the Quarantine Act; the inconsistency of such a course is very apparent. It would imply that we were much too high-minded to be dishonest with regard to the Immigration Bill, but we had not the slightest objection to take a mean advantage of the provisions of the Quarantine Bill. To prevent the landing of Indian immigrants in Natal, on the ground that they came

from a country infected with dangerous infectious disease within a thousand miles of the district they come from, is just as disingenuous as the operations under the Immigration Restriction Bill.

It is, then, because the Quarantine Bill is intended indirectly to prevent Indian immigration to Natal that your Petitioners deem it necessary to enter their respectful protest against it. For, why should an Indian, transshipping into a German liner at Zanzibar bound for Natal, be prevented from landing there while other passengers may do so without difficulty ? If an Indian is likely to bring an infectious disease into the Colony, so are the other passengers who have come into contact with him.

The Immigration Restriction Bill provides, among other things, that any person who is a pauper and is likely to become a public charge, and cannot write out an application to the Colonial Secretary according to the form given as a schedule to the Bill, shall be treated as a prohibited immigrant. Thus, an Indian, who is learned in any of the Indian languages, but does not know any European language, cannot land in Natal even though it be temporarily. Such an Indian may go to the Transvaal, a foreign territory, but may not set his foot on the Natal soil. Even in the Orange Free State, any Indian may remain for two months without having to undergo any ceremony, but he may not do so in the British Colony of Natal. This is, therefore, going further than either of the above independent States. If an Indian Prince wanted to travel round the world and came upon

Natal, he would not be allowed to land there unless special permission was accorded to him. Ships on their way to Mauritius, having Indian passengers, have been calling here after the Immigration Law came into operation, and the Indian passengers are not even allowed to land and have exercise or fresh air while the ships are at anchor. By order of the Immigration Department they are kept under strict supervision, and their luggage is stored away in the hold lest they should evade the supervision, and land. In other words, British subjects, because they happen to be Indians, are practically treated as prisoners on the British soil.

It has been authoritatively stated that no Government would dream of applying the Law to the Europeans in the same manner as the Indians. In dealing with the caluse 3, subclause (b) now modified, the Honourable the Prime Minister said as follows, on the second reading of the Bill.

> As to immigrants being in possession of twentyfive pounds, when those words were introduced it never occurred to him that it would be applied to the Europeans. It could be so applied if the Government were foolish enough. The object, however, was to deal with the Asiatics. Some people said they liked an honest straightforward course. When a ship was heading against a wind, she had to tack, and bye and bye she accomplished her goal. When a man met difficulties, he fought against them, and, if he could not knock them over, he went round them instead of breaking his head against a brick wall.

The want of straightforwardness about the Bill has appealed to almost everyone in the Colony. The Farmer's Conference at Maritzburg, the capital of the Colony, a meeting held in the Durban Town Hall for the purpose of giving the members of the Borough an opportunity to express their opinion on the Bills, and other meetings protested against it on the ground that it was un-British; several members of the Parliament also expressed themselves strongly against it. Mr. Binns, the leader of the unformed opposition in the House of Assembly, said :

> They ought to guard against taking a purely local view of so serious a question. The Bill was not straight. It did not go straight to the point, and nothing could be more appropriate than the remark that was made in the petition read that afternoon, that it was un-British. Nobody liked the Bill. There was not a man in all Natal that liked the Bill, and the Premier certainly did not like it. He might think that there was a necessity for it, and that the Bill should assume the form it has done. But if there was one thing clear in his speech, it was that he did not like the Bill.

Mr. Maydon, another member of the Assembly,

> ventured to strongly express the opinion, and he believed the majority of the Colonists of Natal agreed with him, that rather than accept this measure, they would continue to wallow in the mire of the Asiatic immersion.

Mr. Symons, another member, said :

> They could not remove the Indians in our midst, nor withdraw the privileges they possess as British subjects. Would any Englishman that called himself statesman produce such a Bill, and expect it to pass ? The Bill was a monstrous Bill. Such a Bill was a disgrace to a British Colony; why not call it an Asiatic Restriction Bill ? They did not talk of tacking in these days of steamships, but went straight ahead.

Thus, seeing that there is no unanimity of opinion about the Bill, your Petitioners submit that their modest prayer that a census should be taken of the Indian population, and an inquiry made as to the allegation that the presence of Indians is an evil to the Colony, might have been complied with before passing such a drastic measure. Your Petitioners submit that there was absolutely no justification for the measure. It has not been proved that the number of the Indians is more rapidly increasing than the number of Europeans. On the other hand, the last report shows that, while there might have been an increase of 666 Indians during the last six months ending January, the increase in the number of the Europeans was close upon 2,000. Further, the class of the Indians whom the Bill is intended to prevent from coming number about 5,000 in the Colony as against 50,000 Europeans. Also, the deliberate opinion of the Commission that sat ten years ago in Natal under the chairmanship of Sir Walter Wragg, the first Puisne Judge, stands on record, namely;

> We are content to place on record our strong opinion based on much observation that the pre-

sence of these traders has been beneficial to the whole Colony and it would be unwise if not unjust to legislate to their prejudice.

This is the only authoritative opinion that the local legislatures could be guided by. In the teeth of these facts, your Petitioners yet venture to trust that Her Majesty's Government would order that the inquiry of the nature above indicated be instituted before arriving at a decision as to the necessity of legislation restrictive of the freedom of the British Indians in Natal; that is, if Her Majesty's Government decide that, in spite of the Proclamation of 1858 a British Colony can legislate to the prejudice of British Indians, and if Her Majesty's Government come to the conclusion that the Proclamation does not confer any such privileges as are contended for herein, and if they are satisfied that the number of Indians in Natal is increasing at an alarming rate and that the presence of the Indians is an evil to the Colony it would be far more satisfactory that a Bill specially applicable to the Indians should be introduced.

With the greatest deference, it does seem strange that, while the Transvaal Government have been compelled to withdraw their Aliens Law, the Natal Government have passed an Immigration Act which is far more severe than the Transvaal one.

Your Petitioners would now crave leave to give extracts from the Press, showing how the Immigration Restriction Act is viewed by the Press :

> Section 4 defines the penalties to which any prohibited immigrant, making his way into the

Colony in disregard of the Act, is liable, viz, deportation and (or) six months imprisonment. Now, we think most people will agree with us that, however necessary it may be for the Colony, for its own benefit, to impose restriction on immigration, it is not a crime for any person to endeavour to come into the country. It is morally certain, too, that the class of persons to whom the Bill applies will, as a rule, be totally ignorant of the fact that, by entering the Colony, they are breaking any of its laws. Such a law is in a different position from the ordinary laws of the country, since it applies to people who are not under the jurisdiction of the colony, and who have no opportunity of making themselves acquainted with its laws. It is, moreover, the duty of the officials appointed, therefore, to see that no prohibited immigrants are landed, and under these circumstances we think deportation is sufficient, and penal laws should be eliminated. A similar criticism applies to Section 5, which provides for a deposit of £ 100 as a sort of guarantee, to be forfeited, should the immigrants eventually prove to come under the category of "prohibited immigrants." We see no justice whatever in annexing this deposit. If he is treated as a prohibited immigrant and compelled to leave the colony, his money should be returned. The clause imposing heavy penalties on shipmasters is only sure to provoke criticism. It virtually imposes upon the captains of vessels the duty, before leaving the port of departure, of a minute examination into the circumstances and position of everyone of their passengers. This may be necessary for the effectual operation of the law, but it nevertheless inflicts a great hardship upon the masters.

The Bill, it will be observed, applied to persons entering the Colony by land and sea. We are of opinion that it would be much less obnoxious and more easily enforced if applied to immigrants by sea only. There is very little reason to fear any considerable influx of Asiatics by land, and the only other persons are travellers from one South African State to another, who should be as free from restriction as possible, and Natives the greater part of whom would be excluded by the educational tests, possibly to the detriment of our labour supply—*The Natal Advertiser*, 24-2-97.

Would it not be a reasonable position to take up to say "If you won't have the one class, you shan't have the other ?" That this attitude is not an unlikely one is apparent from the tone of the Indian press. We published, a few days ago, an article from *The Times* of India which practically calls upon Natal to choose between unrestricted immigration or none at all. That may be only a local view, but we think we are not far wrong in saying that it is just the sort of answer we should give if the cases were reversed. It is not an unfair argument to say that if the Colony finds it necessary for its own benefit to exclude a certain class of Indian immigrants, it cannot complain if the Indian Government refuses to allow it to import, also for its own benefit, another class of Indian immigrants —*The Natal Advertiser*, 5-4-97.

We question whether any Act so drastic in its tendency, and so wide in its scope, has been adopted by any British Colony, and it is no honour to a Colony, which professes such devotion to progress and freedom as ours, to be the first to inscribe such a measure on its statute book.——– *The Natal Advertiser*, 26-2-97.

It may be fairly argued that having regard to its purpse, it is dishonest and hypocritical in principle, because its real object is not its ostensible object. It professes to be a measure to restrict immigration generally, when every body knows that in reality it is intended to stop Asiatic immigration——*The Natal Advertiser*, 26-2-97.

Let us try to get what we want by an honest, fair, and above-board measure, which does not seek to hide the real issues under a cloud of vague, unworkable, and un-English restrictions. Until we can do this, there is ample scope for the energies of Government, and the Colonial municipalities in carrying out local regulations which will do a good deal towards minimising the evil complained of.—— *The Natal Advertiser*, 12-3-97.

The Natal Immigration Law represents one of the most contemptible tricks to which a

Government and legislature could be party. *The Star*, 20-5-97.

The session of 1897 will be known hereafter as having given birth to that most objectionable law, which in some respects is even worse than the enactment passed by the Transvaal Volksraad last year with a similar object. It is within the knowledge of everyone that Mr. Chamberlain protested against the law, and that it was promptly repealed by the Volksraad. But it is certain that, if the law is good for Natal, it can scarcely be bad for Transvaal—*The Transvaal Advertiser*, 25-5-97.

The new Natal law is more than a violation of this general principle. It is, in addition, a dishonest law, if the contention produced in favour of passing it is to be recognised. While its terms are of universal applicability, the Government openly admitted in the Legislature that it would only be applied to certain classes. Such a mode of securing class legislation is pernicious in the extreme. Class legislation is generally wrong or undesirable; but when a class law is passed in a shape that does not show it is meant for only one section of the community, its inherent faults become greatly intensified. It is further an act of cowardice on the part of any Parliament to shirk the consequences that may ensue from the candid adoption of a class-measure by resorting to the pretence that a law is not meant to be a class one at all. The avowed object of this Natal Immigration Restriction law is to deal with the influx of free Indians; not, be it well marked, with all Indians. Indentured 'coolies' are to be included in the same category of persons exempt from the operations of this law as, say, the Prince of Wales. Yet, as a matter of fact, the indentured coolies brought to Natal largely consist of the very lowest class of natives to be picked out of the gutters of Calcutta and Bombay. Man for man, the free Indian coming to Natal at his own expense is likely to be of a better stamp than the destitute coolie shipped across at other people's expense. But this indentured fellow-countryman of the lowest caste is to be admitted because he is a bondsman. Yet, in five years time, the semi-slave thus allowed in can, if he chooses, demand his freedom and settle in Natal as a free Indian—*The Star*, 10-5-97.

The Natal Law cannot with any sense of fairness and justice be countenanced by Mr. Chamberlain after the attitude he has taken up towards a much less offensive enactment passed in this State, which is very much less within his 'sphere of influence' than Natal—*The Star*, 7-5-97.

The Dealer's Licenses Bill is, if possible, the worst of all. It not only requires that traders should keep their books in English, but gives absolute power to the licensing authorities to refuse to issue or renew licenses without the right to the aggrieved party to appeal to the highest tribunal of justice. It is thus subversive of one of the most cherished principles of the British Constitution. Your Petitioners cannot better express their objections to the Bill than in the words of Mr. Tatham, a member of the Legislative Assembly :

> He had no hesitation in saying that this Bill would establish a monopoly in favour of existing traders. Members who had discussed the Bill discussed from the point of view of the trader apart from the point of view of the consumer. One of the most disastrous courses which legislation could take was a course which had for its object the restraint of trade, and so far was this principle recognised that by the common law of England, a private contract entered into between two persons was invalid if that contract could be shown to be prejudicial to the community by placing a restraint on trade. It was recognised as a principle of trade all the world over that there was nothing like competition not only for those engaged in the competition but also for consumers. The effect of a Bill of this sort would simply enhance the profits of traders at the expense of the consumers. He dealt with this Bill, not from the point of view of its effect as an Asiatic repression Bill, but from the point of view upon which it was presented to the House. The Bill included all sections of the community, whether Europeans or Asiatics, and it contained provisions of an alarming character. It was provided that licenses would be issued by one individual, and licenses already in existence were liable to be taken away by that individual. That applied to country districts. How did it apply in towns and

> municipalities? Let him take Durban as an example. The Town Council might consist of a majority of persons who studied their own interests before the interests of the community and might refuse licenses to trade in that borough. The Premier would say that these people were subject to the control of the popular vote, but how was the popular vote to be brought into operation when it was a case of one individual against the whole body.

Even the Honourable the Prime Minister found it very dfficult to justify the Bill, and was not eager that it should pass. He said:

> They asked that powers be given to each municipality, in excess of its present powers, to control the issuing of licenses, and there need be no hesitation in saying what their object was. It was to prevent person who competed with Europeans from getting licenses to trade as Europeans were required to do. This was the intention of the Bill, and, if that intention were accepted, then, of course, the second reading would pass, and then they would have to deal with details. It would not be possible to pass this Bill without appearing to take away a part of the liberty of the subject, because the subject now had a right to a license as a matter of course, and if this Bill were passed into law, the subject would no longer have the right. He would only have that right of the licensing authority thought fit to grant it. This Bill interferes with the

course of law, because the Bill would be defeated in its objects if the Courts had jurisdiction. The Town Councils would be responsible to their constituents, and there would be no appeal from their decisions, as regards the granting of licenses, to a Court of Law. The objection had been taken to this Bill that it would not allow the law to have its natural course. The answer was if they should be granted, then they would not pass this Bill; but under this measure the licensing authorities only would have this discretion (hear, hear). He thought it right to emphasise the fact that the Courts of Law would have no jurisdiction over trade licenses under this Bill. This jurisdiction would be exercised by the licensing authorities. If the Assembly thought that the Bill should go through the second reading then there would be a discussion on details in Committee. He submitted the Bill to the Assembly, and wished to point out that the main object of it was to affect those persons dealt with under the Immigration Bill. Ships would not bring these people if they knew they could not be landed, and the people would not come here to trade if they knew they could not get licenses.

Mr. Symons "opposed this Bill. He looked upon he measures as most un-English and oppressive".

I would be noticed that even hawkers, who move about with a few pounds worth of goods from place to place, would be expected to keep their books in English. As a matter of fact they do not keep any books at all.

The objection to the aggrieved party going to the highest tribunal of justice in the land seems to be based on the ground that the Licensing Officer will not be able to justify the use of his discretionary power in a court of law.

The question also arises as to what would be done with reference to renewals of licenses. Are the merchants, with hundreds and thousands of pounds worth of goods, to be called upon to shut up their business if the Licensing Officer thought it fit to order so ? It suggested itself to Mr. Smythe, a member of the Assembly, who moved that a year's time should be given to persons in possession of licenses, and drew the House's attention to the fact that even the Free State gave the traders reasonable time, before compelling them to close their businesses. But, unfortunately, the motion was lost.

The *Natal Advertiser*, 5-4-97, thus expresses itself on the Bill :

> It is matter for regret that so many members who boldly protested against the violation of British traditions embodied in the Immigration Bill, should have swallowed, without a grimace, the much more serious infringement of the liberty of the subject involved in the Licenses Bill. With the object of the Bill we are in thorough accord; and we do not either attach very much weight to the fears of some of the members as to the large powers granted to corporations. A very much graver danger is the negation of appeal to the courts of justice. It is

> only this, in fact, which could make the powers granted under the Bill dangerous. It would have been easy to frame a measure which would safeguard the interests to be protected quite as effectively as this one, without resorting to the crude and unstatesmanlike expedient of depriving persons of their right to appeal to a court of law. No urgency could justify such a provision. The Premier's argument that "there would be no discretion if the discretion was to be in the Supreme Court or any other court; they could not give discretion to a licensing authority and allow the discretion to be exercised by somebody else", is unworthy of himself and his audience. Licensing authorities under the existing law have discretion, but that does not exclude the ultimate jurisdiction of the Supreme Court. Moreover the argument is destroyed by the provision in the Bill itself which allows appeal to the Colonial Secretary. So that it actually does give discretion to a licensing authority, and then allow the discretion to be exercised by somebody else.

Your Petitioners have not attempted to discuss the details of the above Bills at length, since, in their humble opinion, the principle of the Bills is so utterly opposed to the spirit of the British Constitution, as also of the Proclamation of 1858, that it seems useless to discuss the details.

This is clear, however, that if the Bills are not disallowed, Natal would have gone much further than the

Transvaal in oppressing the Indians. The Indians in virtue of the Immigration Law cannot enter Natal, except a few who are able to read and write English, though they may go to the Transvaal without any hindrance. The hawkers may not get licenses to hawk in Natal, though they can get them as of right in the Transvaal. Under such circumstances, your Petitioners venture to trust that, if nothing else is done, Indian immigration to Natal would be stopped, and a great anomaly (i. e.), the fact that Natal gets all the advantage of the presence of the Indian in the Colony, while she would give none, romoved.

The Bill to protect Uncovenanted Indians from liability to arrest is not in answer to the anti-Indian clamour in the Colony, but has its origin in a certain correspondence that passed between the Government and some Indians. Indians that are not under indenture are sometimes arrested under the indentured Indian Immigration Law, as being deserters from their estates. To avoid this inconvenience, some Indians approached the Government with a view to get it minimised. The Government were good enough to issue a Proclamation authorising the Protector of Immigrants to issue certificates to free Indians certifying that the bearers were not indentured Indians. It was, however, meant to be a temporary measure, and the present Bill is intended to replace it. Your Petitioners recognise the good intentions of the Government in introducing the Bill; but your Petitioners are afraid that, owing to the clause 3, rendering the Police, arresting any Indian for being without a pass, free from liability for wrongful arrest, takes away all the good that the Bill is no doubt intended to do, and makes it an engine of oppression. The taking out of passes is not compulsory, and it is admitted that only the poorer Indians would take advantage of the pass clause. Before, too, much trouble only arose through the over-zeal of officers in making arrests. Now, the 3rd clause gives almost a license to arrest with impunity any Indian they choose. Your Petitioners further draw your attention to the argument against the Bill as set forth in the memorial to the Honourable the Legislative Assembly herein before referred to (Appendix E); and venture to hope that the Bill will be disallowed. Instructions to the Police to use caution when making arrests under the Indenture law would have met the difficulty.

In conclusion, your Petitioners pray that the above Bills be disallowed, in virtue of the power reserved to the Crown under the Constitution Act, to disallow any Act within two years after its promulgation, or the inquiry of the nature above indicated be ordered before Her Majesty's Government refuse to disallow the above Acts or any part of them, that a definite pronouncement as to the status of the British Indians outside India be made, and that, should it not be deemed feasible to disallow the above Acts, the indentured Immigration to Natal be stopped, or grant such other relief as Her Majesty's Government may think fit.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall for ever pray, etc. etc.

(Sd.) ABDUL CARIM HAJI ADAM
AND OTHERS.

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